

**Camden County Board of Commissioners****Regular Meeting****February 18, 2008****7:00 P.M.****Historic Courtroom, Courthouse Complex  
Camden, North Carolina****MINUTES**

The regular meeting of the Camden County Board of Commissioners was held on Monday, February 18, 2008 at 7:00 p.m. in the Historic Courtroom, Camden, North Carolina. The following members were present:

Chairman Jeffrey B. Jennings

Vice Chairman Philip Faison

Commissioners Melvin Jeralds, Sandy Duckwall and Mike Andrews

Also attending was County Manager Randell Woodruff, Clerk to the Board Ava Gurganus and County Attorney John S. Morrison.

Chairman Jeffrey Jennings called the meeting to order and asked Commissioner Mike Andrews to give the invocation and led those present in the Pledge of Allegiance.

**PRESENTATION OF PLAQUES - James Burnham – Camden County Planning Board and Emory Upton – Camden County Board of Adjustment**

Chairman Jeffrey Jennings presented the plaques and thanked Mr. James Burnham and Mrs. Emory Upton for their service to the citizens of Camden County.

**Presentation - Marc Finlayson, Executive Director – Highway 17 Association – Transportation Improvement Plan (TIP) Update**

Mr. Marc Finlayson updated the Board on the Association's goals, projects and progress:

- Mission is to assure, through collective action and constancy of purpose, that the inclusion and funding of all unfunded portions of the US Highway 17 corridor shall be part of the NCDOT's 2009 TIP.
- Highway 17 Association will accomplish protecting Highway 17 projects now fully funded in the TIP; being regional in vision and scope and not advancing one local project at the expense of another; anticipating and resolving local issues and concerns, and facilitating solution where local conflicts exist; helping NCDOT solve problems in planning, design, right of way acquisition and construction, in order to advance Highway 17 project; being an active partner with federal, state, regional and local stakeholders who share an interest in the completion of a fully controlled access, four-lane Highway 17 from Virginia to South Carolina.
- Goals: Continue to meet regularly with County and City governing bodies in the Highway 17 corridor to keep elected officials appraised on progress and to address issues or concerns; continue to meet regularly with NCDOT Board members representing the Highway 17 corridor and with key DOT staff to stay up to date on progress, issues and concerns; continue to nurture relationships with North Carolina's Congressional delegation and key staff and grow in knowledge of federal highway funding and administration; continue to nurture relationships with the Highway 17 corridor's state legislative delegation, and grow in knowledge of state highway funding and administration; and, continue to nurture relationships with other stakeholders and organizations concerned with transportation issues in North Carolina, to develop a productive network of allies on issues of interest or concern to the Highway 17 Association.
- Public/Media Outreach and Marketing 2007-08: Continue to expand and improve the Highway 17 Association web site. Add features that will make the site more informative, interactive and interesting to prospective viewers; continue to nurture relationships with editors and reporters covering transportation for the newspapers and television stations within the Highway 17 corridor, and respond to inquiries

by the news media; continue to distribute news releases or other appropriate information to the media at least quarterly and follow up to ensure coverage; if research studies have been conducted, publish the information in appropriate journals, magazines, newspapers, etc. and determine other ways to use the information to advance that cause of Highway 17; and, research alternative ways to tell the Highway 17 story, including cable access, television, documentary film, periodical publication, etc. Understand cost, reach and value. Continue to update and publish appropriate collateral materials about Highway 17 to support the outreach effort.

**Presentation - Maureen Donnelly, Chairperson and Russ Haddad, Executive Director – Elizabeth City-Pasquotank County Tourism Development Authority**

Mrs. Donnelly, Tourism Development Authority Director, requested a donation for the 4<sup>th</sup> of July fireworks. Mrs. Donnelly stated the cost of the fireworks is \$25,000.00 and \$15,000.00 has been collected (\$5,000.00 from City of Elizabeth City, \$5,000.00 from Pasquotank County and \$5,000.00 from the Tourism Development Authority).

**Public Comments**

Chairman Jeffrey Jennings called for any comments from the public.

Hearing no comments, Chairman Jeffrey Jennings proceeded

**Consideration of Agenda**

Chairman Jeffrey Jennings removed *Budget Amendment 2007-08-BA013* from the consent agenda for discussion and placed as agenda *Item 6. New Business, G. Budget Amendment 2007-08-BA013.*

Commissioner Sandy Duckwall asked that *Personnel* be added to *Item 11. Closed Session.*

Commissioner Melvin Jeralds made a motion to approve the agenda as amended. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**Consent Agenda**

Commissioner Sandy Duckwall made a motion to approve the consent agenda as amended by the removal of *Budget Amendment 2007-08-BA013.* The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

- Consent Agenda

February 4, 2008 Regular Meeting Minutes subject to correction of typographical and technical errors.

Tax Releases, Pick Ups and Adjustments

<u>Name</u>	<u>Amount</u>	<u>Type</u>	<u>Reason</u>	<u>No.</u>
Franklin Ball	\$135.91	Release	Turned in Plates	9778
Jean Lynch	\$151.08	Release	Military Exempt	9799
Mark Gaetano	\$182.33	Release	Military Exempt	9699
Duane Dunivan	\$184.26	Release	Military Exempt	9814
Michael Sticka	\$107.97	Release	Military Exempt	9817
Noriko Worden	\$178.32	Pick Up	Listed in Wrong Co.	9800
Dorothy Mitchell	\$719.78	Release	Sr. Exempt	9811
	\$359.89	Pick Up		
	-\$359.89	Adjustment		
Carnell Berry	\$1,790.19	Release	Farm Use	9788
	\$211.88	Pick Up		

- \$1,578.31                      Adjustment

Tax Collection Report – January 2008 in the amount of \$645,216.60.

Refunds to be Issued by Finance Office in the amount of \$262.66.

Budget Amendments – 2007-08-BA011, 012, 014, 015 and 016

2007-08-BA011

CAMDEN COUNTY BUDGET AMENDMENT

BE IT ORDAINED by the Governing Board of the County of Camden, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2008.

Section 1. To amend the Social Services Fund as follows:

ACCT NUMBER	DESCRIPTION OF ACCT	AMOUNT	
		INCREASE	DECREASE
Revenues:			
52330610-434861	Work First Supplement	\$ 102.00	
52330610-434819	Crisis Intervention	\$11,735.00	
Expenses:			
528000-520000	Crisis Intervention	\$11,735.00	
528000-571000	Work First Supplement	\$ 102.00	

State revenue increases

This will result in a decrease of \$ 0.00 in the Contingency of the General Fund.

Balance in Contingency \$58,605.00

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction. Adopted this 18<sup>th</sup> day of February, 2008.

Clerk to Board of Commissioners

Chairman, Board of Commissioners

2007-08-BA012

CAMDEN COUNTY BUDGET AMENDMENT

BE IT ORDAINED by the Governing Board of the County of Camden, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2008.

Section 1. To amend the General Fund as follows:

ACCT NUMBER	DESCRIPTION OF ACCT	AMOUNT	
		INCREASE	DECREASE
Revenues:			
10360621-434818	Senior Center Grants	\$ 81.00	
Expenses:			
109990-500000	Contingency		\$1,047.00
106210-546050	Outreach Grant	\$ 72.00	
106210-547000	Health Grant	\$ 267.00	
106210-553100	2007 General Purpose Grant	\$ 789.00	

Budget adjustments needed after Grants were approved at 2/4/08 Commissioners meeting.

This will result in a decrease of \$ 1047.00 in the Contingency of the General Fund.

Balance in Contingency \$57,558.00

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction. Adopted this 18<sup>th</sup> day of February, 2008.

Clerk to Board of Commissioners

Chairman, Board of Commissioners

2007-08-BA014

CAMDEN COUNTY BUDGET AMENDMENT

BE IT ORDAINED by the Governing Board of the County of Camden, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2008.

Section 1. To amend the General Fund as follows:

ACCT NUMBER	DESCRIPTION OF ACCT	AMOUNT	
		INCREASE	DECREASE
Expenses:			
716600-548200	Register of Deeds Addition	\$206,281.00	
716600-599900	Fund Reserve		\$206,281.00

McKenzie Contract Awarded.

This will result in a decrease of \$0.00 in the Contingency of the General Fund.

Balance in Contingency \$54,508.00

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction. Adopted this 18<sup>th</sup> day of February, 2008.

Clerk to Board of Commissioners

Chairman, Board of Commissioners

2007-08-BA015

CAMDEN COUNTY BUDGET AMENDMENT

BE IT ORDAINED by the Governing Board of the County of Camden, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2008.

Section 1. To amend the South Mills Fire Commission Fund as follows:

ACCT NUMBER	DESCRIPTION OF ACCT	AMOUNT	
		INCREASE	DECREASE
Revenues:			
41330530-438500	Bank Loan	\$453,000.00	
Expenses:			
415300-574103	Refinancing of trucks	\$453,000.00	

Recording of Refinancing of the fire trucks.

This will result in a decrease of \$0.00 in the Contingency of the General Fund.

Balance in Contingency \$54,508.00

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction. Adopted this 18<sup>th</sup> day of February, 2008.

Clerk to Board of Commissioners

Chairman, Board of Commissioners

2007-08-BA016

CAMDEN COUNTY BUDGET AMENDMENT

BE IT ORDAINED by the Governing Board of the County of Camden, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2008.

Section 1. To amend the General Fund as follows:

ACCT NUMBER	DESCRIPTION OF ACCT	AMOUNT	
		INCREASE	DECREASE
Revenues:			
10330590-434803	DOT	\$26,692.00	
Expenses:			
105900-592000	DOT	\$26,692.00	

Additional DOT ROAP funds received.

This will result in a decrease of \$0.00 in the Contingency of the General Fund.

Balance in Contingency \$54,508.00

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction. Adopted this 18<sup>th</sup> day of February, 2008.

Clerk to Board of Commissioners

Chairman, Board of Commissioners

NC Dept of Revenue – Distribution Data Verification for Beer, Unfortified Wine, and Fortified Wine Excise Tax

Volunteer Form – Ronald Price

Albemarle Mental Health – 2<sup>nd</sup> Qtr FY2007-2008 Quarterly Fiscal Monitoring Report

Resolution No. 2008-02-02 – A Resolution of the Camden County Board of Commissioners Authorizing Removal of Certain Public Record Books Kept by the Register of Deeds for the purpose of Repair, Restoration and Rebinding

Resolution No. 2008-02-02

A Resolution of the Camden County Board of Commissioners  
Regarding Removal of Certain Public Record Books  
Kept by the Register of Deeds for the Purpose of  
Repair, Restoration and Rebinding

WHEREAS, NC G.S. 132-7 provides that books of public records should be copied or repaired, renovated or rebound if mutilated, damaged or difficult to read, and

WHEREAS, there is identified certain books of public records maintained by the Register of Deeds in need of repair, restoration and rebinding, and

WHEREAS, Brown’s River Records Preservation Services is under contract to provide repair, restoration and rebinding of these certain books of public records.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR CAMDEN COUNTY, NORTH CAROLINA, that

Section 1. The Register of Deeds is authorized to remove or cause to be removed to the care and custody of Brown’s River Records Preservation Services for repair, restoration and rebinding the following books of public record:

- Deed Book 55
- Deed Book 54
- Deed Book 17
- Deed Book QQ

Section 2. The books of public records listed in Section 1 of this resolution may remain in the care and custody of Brown’s River Records Preservation Services for the length of time required to repair, restore or rebind them.

Section 3. This resolution is effective upon its adoption.

Adopted this the 18<sup>th</sup> day of February, 2008.

(SEAL)

\_\_\_\_\_  
Jeffrey B. Jennings, Chairman  
Camden County Board of Commissioners

\_\_\_\_\_  
Ava Gurganus  
Clerk to the Board

Resolution No. 2008-02-03 – Joint Resolution Celebrating 100 Years of County Unity in Recognition of Our Association’s Centennial

Resolution No. 2008-02-03

**Joint Resolution Celebrating 100 Years of County Unity in Recognition of Our Association’s Centennial**

**WHEREAS**, the North Carolina Association of County Commissioners is an advocacy and service organization made up of all one-hundred (100) North Carolina counties; and

**WHEREAS**, the active participation and engagement of all 100 counties have directed, strengthened and enhanced our Association; and

**WHEREAS**, the dedication and talents of individual county commissioners and county staff have led our Association’s success in advocacy, county-centered services and educational programs; and

**WHEREAS**, an informal agreement to form our Association was made by a handful of county commissioners who, at the behest of Craven County Commissioner C.E. Foy, met in New Bern in 1908, to discuss county issues of common interest; and

**WHEREAS**, the first session of our unofficial Association was held at the Atlantic Hotel in Morehead City on August 19, 1908, where C.E. Foy was elected as president; and

**WHEREAS**, the North Carolina General Assembly passed an act on March 8, 1909 establishing our Association on behalf of counties;

**NOW, THEREFORE BE IT RESOLVED**, that the North Carolina Association of County Commissioners and each Board of County Commissioners jointly recognize and celebrate “100 Years of County Unity” in tribute to our Association’s Centennial.

**FURTHER BE IT RESOLVED**, that the Association communicate its copy of this joint resolution to each Board of County Commissioners.

**FURTHER BE IT RESOLVED**, that the Camden County Board of County Commissioners communicate its copy of this joint resolution to the North Carolina Association of County Commissioners.

\_\_\_\_\_  
Jeffrey B. Jennings, Chairman  
Camden County Board of Commissioners.

ATTEST:

\_\_\_\_\_  
Ava Gurganus, Clerk to the Board

(SEAL)

- End of Consent Agenda

**Old Business - Consideration of - Ordinance No. 2008-01-03 – Rezoning Application - Camden Square & Associates – UDO 2007-10-07**

Chairman Jeffrey Jennings called for a motion. Hearing no motion, Ordinance No. 2008-01-03 failed for lack of motion.



USE#	DESCRIPTION	R-1	R-2	R-3	CCD	NCD	HC	MC	GUD	I-1	I-2
1.114	Class C Mobile Home, subject to 151.210 et seq; Allowed for Existing mobile homes and mobile home subdivisions										
1.116	Class B Mobile Home	S									
1.200	Two-Family Residences										
1.210	Two-Family Conversion	S									
1.220	Primary residence with accessory apartment	S									
1.230	Duplex	S									
1.240	Two-Family Apartment	S									
1.300	Multi-Family Residences										
1.310	Multi-Family Conversion				S		S	S			
1.320	Multi-Family Townhomes				S		<u>S</u>	<u>S</u>			
1.330	Multi-Family Apartments				S		<u>S</u>	<u>S</u>			
<u>1.340</u>	<u>Condominiums</u>				<u>S</u>		<u>S</u>	<u>S</u>			
1.400	Homes Emphasizing Special Services, Treatment or Supervision										
1.410	Homes for handicapped, aged or infirm				S	S					
1.420	Nursing care, intermediate care homes				S	S					
1.430	Child Care Homes	S	S	S	S	S			S		
1.440	Halfway Houses						<u>S</u>	<u>S</u>			
1.450	Family care home; provided there is a half mile between them measured from lotlines				S	S	<u>S</u>	S			
1.460	Family care homes for the aged				S	S	S	S			
1.500	Miscellaneous rooms for rent situations										
1.510	Rooming houses, Boarding houses				S	S	S	S			
1.520	Bed and Breakfast establishments				<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<u>Z</u>	<del>S</del> <u>Z</u>		
1.530	Tourist homes (renting by day or week)				<u>S</u>	S	<del>S</del>	S			
1.540	Hotels, motels and similar businesses				<u>S</u>		S	S			
1.550	Hunting and Fishing Lodges					<u>S</u>	S	S	S		
1.600	Temporary Emergency Construction and Repair of Residences		Z	Z	Z	Z	Z	Z	Z	Z	Z
1.700	Home Occupations	S	S	S	Z	Z	Z	Z	Z		
2.000	Sales and Rental of Goods, Merchandise and Equipment										
<del>2.100</del>	No storage/display of goods outside fully enclosed structure										
2.110	High Volume Traffic Generation				<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>		<u>Z</u>	<u>Z</u>
2.111	Convenience Store				Z	Z	Z	Z			

[illegible]



3.110	Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, stock brokers, travel agents, and other professions				Z	Z	Z	Z		<u>S</u>	
3.120	Operations designed to attract little or no customer or client traffic other than employees of the entity operating the use				Z	Z	Z	Z		S	S
3.130	Offices or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area				Z	Z	Z	Z	€	S	S
3.140	Government Offices				Z	Z	Z	Z		Z	Z
3.200	Operation conducted within or outside fully enclosed building										
3.210	Operations designed to attract and serve customers or clients on the premises				<u>§ Z</u>	<u>§ Z</u>	<u>§ Z</u>	S		S	S
3.220	Operations designed to attract little or no customer or client traffic other than employees of the entity operating the use				<u>§ Z</u>	<u>§ Z</u>	<u>§ Z</u>	S		S	S
3.230	Banks with drive-in windows				<u>§ Z</u>	<u>§ Z</u>	<u>§ Z</u>	<u>§ Z</u>		<u>Z</u>	
4.000	Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment, Subject to Hereto										
4.100	All operations conducted entirely within fully enclosed building										
4.110	Majority of dollar volume of business done with walk-in trade				<u>§ Z</u>	<u>§ Z</u>	<u>§ Z</u>	<u>§ Z</u>	<u>§ Z</u>	Z	Z
4.120	Majority of dollar volume business not done with walk-in trade				<u>§ Z</u>	<u>§ Z</u>	<u>§ Z</u>	<u>§ Z</u>	<u>§ Z</u>	Z	Z

USE#	DESCRIPTION	R-1	R-2	R-3	CCD	NCD	HC	MC	GUD	I-1	I-2
4.200	Operations conducted within or outside fully enclosed building				<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>		Z	Z
5.000	Educational, Cultural, Religious, Philanthropic, Social and Fraternal Uses										
5.100	Schools										
5.110	Elementary and Secondary (including associated grounds, athletic and other facilities)	S	S	S	S	S	S	S	S		
5.120	Trade or Vocational				S	S	S	S		<u>Z</u>	<u>Z</u>
5.130	Colleges, community colleges (including associated facilities such as dormitories, office buildings and athletic fields, etc.)				S	S	S				
5.200	Churches, Synagogues and temples (including associated residential structures for religious personnel)	S	S	S	Z	Z	Z	Z	Z		
5.300	Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities)										
5.310	Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 feet	S	S	S	S	S	<u>S</u>	<u>S</u>			
5.320	Located within any permissible structure				S	S	<u>Z S</u>	<u>Z S</u>			
5.400	Social, fraternal clubs, lodges, union halls and similar uses				<u>Z S</u>	<u>Z S</u>	<u>Z S</u>	S			

6.000	Recreation, Amusement, Entertainment										
6.100	Activity conducted entirely within a building or substantial structure										
6.110	Bowling alleys, skating rinks, indoor tennis and racquetball courts, billiards and pool halls, indoor athletic and exercise facilities				<u>§ Z</u>	<u>§ Z</u>	<u>§ Z</u>	<u>§ Z</u>		<u>S</u>	
6.120	Movie Theaters				Z	Z	Z	Z			
6.200	Activity conducted primarily outside enclosed buildings or structures										
6.210	Privately owned outdoor recreation facilities such as golf and country clubs, etc. (But not including campgrounds), not constructed pursuant to a permit authorizing the construction of some residential development				<u>§ Z</u>	<u>§ Z</u>	<u>§ Z</u>	<u>§ Z</u>	<u>§ Z</u>	<u>Z</u>	

USE#	DESCRIPTION	R-1	R-2	R-3	CCD	NCD	HC	MC	GUD	I-1	I-2
6.220	Publicly owned outdoor recreational facilities, such as athletic fields, golf courses, tennis courts, swimming pools, parks, campgrounds boat ramps and docks, etc. Not constructed pursuant to a permit authorizing the construction of another use (i.e. school)				<u>§ Z</u>	<u>§ Z</u>	<u>§ Z</u>	<u>§ Z</u>	<u>§ Z</u>		
6.230	Golf driving ranges not accessory to golf courses, par 3 courses, miniature golf courses, skateboard parks, water slides, and similar uses				<u>Z</u>	<u>Z</u>	<u>§ Z</u>	<u>§ Z</u>			
6.240	Horseback riding, schooling and boarding facilities provided that when its in a GUD district, a minimum of 10 acres is required (and not constructed pursuant to a permit authorizing a residential development)				<u>§</u>	<u>§</u>	S		Z		
6.250	Automobile and motorcycle racing tracks						<u>S</u>		<u>S</u>	S	S
6.251	Competitive go-kart/ATV race track						<u>S</u>		<u>S</u>	S	S
6.260	Drive-in movie theaters						S	S			
6.270	Private Campgrounds										
6.271	Travel trailers allowed						S	S	S		
6.272	Travel trailers prohibited						S	S	S		
6.280	Petting Zoo						S	S	S		
6.290	Recreational grounds						S	S	S		
6.300	Outdoor firing ranges, subject to Article 151.347(S)									<u>S</u>	<u>S</u>
7.000	Institutional Residences or Care/Confinement facilities										
7.100	Hospitals, clinics other medical (including mental health) treatment facilities in excess of 10,000 square feet in gross floor area				<u>Z S</u>	<u>Z S</u>	<u>Z S</u>	<u>Z S</u>		<u>§</u>	<u>§</u>
7.200	Nursing care, intermediate care, handicapped, infirm or child care institutions				S	S	S	S			
7.300	Institutions (other than halfway houses) where mentally ill persons are confined					<u>§</u>	<u>S</u>				

USE#	DESCRIPTION	R-1	R-2	R-3	CCD	NCD	HC	MC	GUD	I-1	I-2
7.400	Penal and correctional facilities									S	S
8.000	Restaurants, Dance Halls, Bars, Night Clubs										
8.100	Restaurants										
8.110	No substantial carry-out or delivery service, no drive-in service, no service or consumption outside fully enclosed structure				Z	Z	Z	Z		<u>Z</u>	
8.120	No substantial carry-out or delivery service, no drive in service, service or consumption outside fully enclosed structure				Z	Z	Z	<u>S Z</u>		<u>Z</u>	
8.130	Carry-out and delivery service, consumption outside fully enclosed structure allowed, but no drive-in service				<u>S Z</u>	<u>S Z</u>	Z	<u>S Z</u>		<u>Z</u>	
8.140	Carry-out and delivery service, drive-in service, service outside fully enclosed structure; with drive-in and delivery service				<u>Z</u>	<u>S Z</u>	<u>S Z</u>	<u>S Z</u>		<u>Z</u>	
8.200	Dance Halls, Bars and Nightclubs				<u>Z</u>	<u>Z</u>	<u>S Z</u>	<u>S Z</u>			
9.000	Motor vehicle and boat related sales and service operations										
9.100	Motor vehicle and boat sales or rental or sales and service				<u>S Z</u>	<u>S Z</u>	Z	Z		<u>Z</u>	
9.200	Automobile service center				<u>S Z</u>	<u>S Z</u>	Z	<u>Z</u>	<u>S Z</u>	<u>Z</u>	
9.300	Gas sales operations				<u>S Z</u>	<u>S Z</u>	Z	Z		<u>Z</u>	
9.400	Automobile repair shop or body shop provided all wrecked vehicles and parts are visually screened from exterior property lines and right-of-way lines				<u>Z</u>	<u>S Z</u>	<u>S Z</u>		<u>Z</u>	<u>Z</u>	
9.500	Car wash				<u>S Z</u>	<u>S Z</u>	Z	<u>Z</u>		<u>Z</u>	
10.000	Storage and Parking										
10.100	Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking is related				<u>S</u>		Z	<u>S Z</u>		<u>Z</u>	<u>Z</u>
10.200	Storage of goods not related to the sale or use of those goods on same lot where they are stored										
10.210	All storage within completely enclosed structures					<u>Z</u>	Z	<u>S Z</u>		<u>Z</u>	<u>Z</u>
10.220	Storage inside or outside completely enclosed structure						<u>Z</u>	<u>S Z</u>		<u>Z</u>	<u>Z</u>
10.300	Parking of vehicles or storage of equipment outside enclosed structures where; (i) vehicles or equipment are owned by the person making use of the lot and (ii) parking or storage is more than a minor or incidental part of the overall use made of the lot				<u>S</u>	<u>S</u>	S	S		<u>Z</u>	<u>Z</u>

10.400	Temporary indoor/outdoor storage, mobile office(s) and one dwelling for the caretaker when associated with off-site construction of a public facility and when in accordance with applicable provisions of Articles 151.210 and 151.211									S	S
11.000	Scrap Materials, Salvage Yards, Junk Yards and Automobile Graveyards									S	S
12.000	Service and Enterprises related to animals										
12.100	Veterinarian				Z	Z	Z	<u>Z</u>	Z		
12.200	Kennels				<del>S</del>	S	<del>S</del> <u>Z</u>	<u>Z</u>	Z		
13.000	Emergency Services										
13.100	Law Enforcement Stations	S	S	S	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	S	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>
13.200	Fire Stations	S	S	S	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	S	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>
13.300	Rescue Squad, Ambulance Service	S	S	S	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	S	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>
13.400	Civil Defense Operations	S	S	S	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	S	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>
14.000	Agricultural, Silvicultural, Mining, and Quarrying Operations										
14.100	Agricultural operations, farming (not exempt as bona-fide farms)										
14.110	Excluding livestock	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
14.120	Including livestock								Z	Z	Z
14.200	Silvicultural Operations	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
14.300	Mining or quarrying operations, including on site sales of products								S	S	S
14.400	Reclamation Landfill						S		S	<u>S</u>	<u>S</u>
15.000	Miscellaneous Public and Semi-Public Facilities and related uses										
15.100	Post Office				Z	Z	Z	Z	Z		
15.200	Airports and Air Strips										
15.210	County owned and operated airport	S	S	S					S	S	S
15.220	Privately Owned Airport	S							S	S	S
15.230	Airstrip								S	<u>S</u>	<u>S</u>
15.300	Sanitary Landfill, Convenience Centers and related facilities										

USE#	DESCRIPTION	R-1	R-2	R-3	CCD	NCD	HC	MC	GUD	I-1	I-2
15.310	Camden County owned and operated	Z	Z	Z	Z	Z	Z	Z	S	Z	Z
15.320	Other									Z	Z
15.400	Demolition Landfill									S	S
15.500	Incinerators										S
15.600	ABC Stores				Z	Z	Z	Z	<u>Z</u>		
16.000	Dry Cleaner and Laundromat										
16.100	Dry Cleaner				<del>Z</del> <u>S</u>	<del>Z</del> <u>S</u>	Z	Z			
16.200	Laundromat				Z	Z	Z	Z			
17.000	Utility Facilities										
17.100	Neighborhood	S	S	S	Z	Z	Z	Z	Z	Z	Z
17.200	Community or Regional	S	S	S	S	S	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>
17.300	County owned and operated	Z	Z	Z	Z	Z	Z	Z	S	Z	Z
18.000	Wireless Telecommunication Facilities (WTF), Towers, other related structures										
18.100	WTF, antennas, supporting structures, radio or TV towers which are 35 feet or less, and receive only earth stations	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
18.200	WTF, antennas, support structures and towers of all types that are over 35 feet tall, subject to Article 151.065						S	S	S	S	S
18.300	WTF, antennas, support structures and towers of all types that are over 300 feet tall, subject to Article 151.035							S	S	S	
18.400	Wind Turbines - Refer to Article 151.347 (T) - Specific Standards										
18.410	Small Turbines	S	S	S					Z	Z	Z

18.411	Small Turbines (over 3 systems)								S	S	S
18.420	Large Turbines								S	S	S
19.000	Open Air Markets										
19.100	Farm and craft markets, produce markets not qualifying as an accessory use to use classification 14.100	S	S	S	<u>Z</u>	<u>Z</u>	Z	Z	Z		
19.200	Flea Markets					<u>S</u>	S				
20.000	Funeral Home				<u>S</u>	<u>S</u>	Z	Z		Z	
21.000	Cemetery and Crematorium										
21.100	Cemetery not on same property as church	S	S	S					S		
21.200	Cemetery on same property as church	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
21.300	Crematorium						<u>S</u>		<u>S</u>	S	S
22.000	Nursery School, Day Care Centers				<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<u>Z</u>	<del>S</del> <u>Z</u>	<u>Z</u>	

USE#	DESCRIPTION	R-1	R-2	R-3	CCD	NCD	HC	MC	GUD	I-1	I-2
23.000	Temporary Construction and Sales Office	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
24.000	Crab-shedding							Z			
24.100	Home-Based Commercial Fishing		S								
25.000	Commercial Greenhouse, Nursery										
25.100	On-premise sales permitted				<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>
26.000	Special Events	S	S	S	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>
27.000	Combination Uses	ZSC	ZSC	ZSC	ZSC	ZSC	ZSC	ZSC	ZSC	ZSC	ZSC
28.000	Off-Premises Signs				<del>Z</del> <u>S</u>	<del>Z</del> <u>S</u>	<del>Z</del> <u>S</u>	<del>Z</del> <u>S</u>	S	<del>Z</del> <u>S</u>	<del>Z</del> <u>S</u>
29.000	Subdivisions										
29.100	Major – <i>Preliminary Plat</i>	S	S	S	S	S	S	S	S	S	S
29.200	Minor	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
29.300	Private Access Subdivision (see 151.260 for Zoning Permit authority when one lot created)	S	S	S	S	S	S	S		S	S
30.000	Stockyards, slaughterhouses, rendering plants									S	S
31.000	Agribusiness uses	S	S			<u>S</u>	<u>S</u>	Z	Z	Z	Z
32.000	Miscellaneous Water Related Uses										
32.100	Boat Ramps										
32.110	Publicly owned	S	S	S	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>
32.120	Privately owned, but open to the public on a fee basis				<u>S</u>	S	S	S	S	<u>S</u>	<u>S</u>
32.200	Marians not associated with a residential development							<u>Z</u>	Z		
33.000	Adaptive reuse of Historic Property	S	S	S	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>	<del>S</del> <u>Z</u>
34.000	Land Application of Commercial Sludge and Commercial Liquid septage									S	S
35.000	Adult and Sexually Oriented Business (subject to Article 151.216)										S

NOTES TO TABLE:  
Z - Zoning Permit Required  
C - Conditional Use Permit Required  
S - Special Use Permit Required  
  
- The underpinning of a modular home shall be masonry with bricks covering all of the exposed masonry underpinning.

Adopted by the Board of Commissioners for the County of Camden this 18th day of February, 2008.

County of Camden

\_\_\_\_\_  
Jeffrey B. Jennings, Chairman

Camden County Board of Commissioners

ATTEST:

Ava Gurganus  
Clerk to the Board

**Old Business    -   Consideration of   –   Ordinance No. 2008-01-02   –   Proposed Amendments to Chapter 151 (UDO) of the Camden County Code of Ordinances**

Commissioner Mike Andrews made a motion to approve Ordinance No. 2008-01-02. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Mike Andrews and Chairman Jennings voting aye; Commissioner Philip Faison voting no; no Commissioner absent; and no Commissioner not voting.

Approved Ordinance No. 2008-01-02 reads as follows:

Ordinance No. 2008-01-02

An Ordinance  
Amending the Camden County  
Code of Ordinances

Camden County, North Carolina

BE IT ORDAINED BY THE CAMDEN COUNTY BOARD OF COMMISSIONERS as follows:

**Article I: Purpose**

The purpose of this Ordinance is to amend the Article 151 of the Camden County Code of Ordinances of Camden County, North Carolina, which was originally adopted by the County Commissioners on December 15, 1997, and subsequently amended and as otherwise incorporated into the Camden County Code.

**Article II. Construction**

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. New language of proposed ordinance shall be shown in italics (*italics*) and underlined.

**Article III. Amend Section 151 as amended of the Camden County Code which shall read as follows:**

**CHAPTER 151: UNIFIED DEVELOPMENT**

**§ 151.036 PLANNED UNIT DEVELOPMENT**

**Article I.** *(A) The Planned Unit Development (“PUD”) district is a conditional use zoning district that allows multiple uses which make efficient use of land and other natural resources, subject to controls and restrictions establishing satisfactory buffering, landscaping, open space, traffic control, density, parking and any other conditions established or imposed by the Camden County Board of Commissioners. PUD districts are intended to provide the Board of Commissioners flexibility in planning land uses. § 151.298 sets forth the mandatory standards for all PUD conditional use districts and PUD Master Plan. The applicant may propose, or the Board of Commissioners may add to or modify, subject to the applicant’s consent, any or all of these standards as it deems to be consistent with the principles set forth herein.*

**§ 151.298 PLANNED UNIT DEVELOPMENT.**

- (A) ~~General.~~
- (1) ~~In a planned unit development (PUD), the developer may make use of the land for any purpose authorized in the particular PUD zoning district in which the land is located, subject to the provisions of this chapter.~~

(2) ~~All lots and development within a PUD must be connected to a public water system.~~

(3) ~~Within any area developed as a PUD, not less than 15% nor more than 30% of the total lot, less CAMA wetland areas, shall be developed for purposes that are permissible only in a HC or MC zoning district, whichever corresponds to the PUD zoning district in question, as limited pursuant hereto.~~

(4) ~~The following uses are not allowed within the commercial area of a PUD regardless whether allowed within the underlying zoning district: 1.100 (all subcategories), Single-Family Dwellings; 1.200 (all subcategories), Two-Family Residences; 1.400 – Homes emphasizing special services, treatment, or supervision (all subcategories); 1.510 – Rooming Houses; Boarding Houses; 1.520 – Bed and Breakfast Establishments, 1.530 – Tourist homes; 1.550 – Hunting and Fishing Lodges; 1.700 – Home Occupations (all subcategories); 6.250 – Automobile and motorcycle racing tracks; 6.251 – Competitive go-kart/ATV race track; 6.260 – Drive-in movie theater; 6.270 – Private Campground; 6.271 – Travel trailers allowed; 6.280 – Petting zoo; 6.300 – Outdoor firing range facilities; 7.400 – Penal Institutions; 10.000 – Parking and Storage (all subcategories); 11.000 – Scrap Materials, Salvage Yards, Junk Yards and Automobile Graveyards (all subcategories); 12.200 – Kennels; 14.000 – Agricultural, Silvicultural, Mining and Quarrying Operations; 18.200 – Wireless Telecommunications Facilities over 35 feet tall; 19.000 – Open Air Markets (all subcategories); 24.000 – Crabshedding (all subcategories); 28.000 – Off-premise signs; 30.000 – Stockyards; 31.000 – Agribusiness Uses; 34.000 – Land Application of Commercial Sludge and Commercial Liquid Septage; 35.000 – Adult and Sexually-oriented Businesses.~~

(5) ~~The following uses are not allowed within the residential area of a PUD regardless whether allowed within the underlying zoning district: 1.200 (all subcategories), Two-Family Residences; 1.400 – Home emphasizing special services, treatment of supervision (all subcategories); 1.510 – Rooming Houses; Boarding Houses; 1.520 – Bed and Breakfast Establishments; 1.530 – Tourist homes; 1.550 – Hunting and Fishing Lodges; 6.240 – Horseback riding, schooling and boarding; 14.000 – Agricultural, Silvicultural, Mining and Quarrying Operations; 15.200 – Airports and Airstrips (all subcategories); 15.300 – Sanitary Landfill and Convenience Centers; 18.200 – Wireless Telecommunications Facilities over 35 feet tall; 19.100 – Open Air Markets~~

(all subcategories); 24.000 — Crabshedding (all subcategories); 28.000 — Off-premise signs; 30.000 — Stockyards; 31.000 — Agribusiness Uses; 34.000 — Land Application of Commercial Sludge and Commercial Liquid Septage; 35.000 — Adult and Sexually-oriented Businesses.

~~(6) The plans for the proposed PUD shall indicate the particular portions of the lot that the developer intends to develop for residential purposes and purposes permissible in a commercial district, as applicable. For purposes of determining the substantive regulations that apply to the PUD, each portion of the lot so designated shall then be treated as if it were a separate district, zoned to permit, respectively, residential or for commercial uses. However, the permit that is issued for the project, a special use permit, shall apply to the entire development.~~

~~(7) A special use permit may be approved showing the portion of the tract proposed for commercial uses reserved for future development. In such a case, no construction may take place within the areas until the special use permit is amended to approve specific plans for the areas. An amendment shall be regarded as a major amendment and processed as provided in §§ 151.495 through 151.518.~~

~~(8) The non-residential portions of any PUD may be occupied only in accordance with a schedule approved by the Board of Commissioners that relates occupancy of the non-residential portions of the PUD to the completion of a specified percentage or specified number of phases or sections of the residential portions of the development. The purpose and intent of this provision is to ensure that the PUD procedure is not used, intentionally or unintentionally, to create non-residential uses in areas generally zoned for residential uses, except as part of an integrated and well-planned, primarily residential development. In approving a proposed schedule the Board may consider, among other factors, the number of dwelling units proposed for the residential portion of the PUD, the nature and scope of the non-residential portions of the PUD, the physical relationship of the non-residential components of the PUD to neighboring properties not within the PUD and whether the non-residential uses are to be located within pre-existing buildings or is new construction.~~

~~(9) A PUD is defined as the total development of one or more parcels physically connected by one central control or ownership. Through PUD, the county desires to foster development of land that has a higher degree of consideration of physical features and natural constraints to development than would be possible under general zoning or subdivision regulations. PUD is expected to promote a more efficient use of the land, a higher level of amenities and more creative design than would otherwise be possible.~~

~~(10) There are hereby established four different PUD districts. Each PUD is designed to combine the characteristics of one or two zoning districts.~~

~~(a) One element of each PUD district shall be the residential element. Here there are three possibilities, each one corresponding either to the R-1 or R-3 zoning districts. Within that portion of the PUD zone that is developed for residential purposes, all development is bound to and must comply with all other residential requirements, except for lot size requirements.~~

~~(b) A second element of each PUD district shall be the commercial element. Here the possibility is the HC or MC zoning district as limited by division (A)(4) above. Within that portion of a PUD district that is developed for a commercial purpose, all development is bound to and must comply with all other commercial requirements, except for lot size requirements.~~

~~(11) In accordance with the description set forth in division (A)(9) above, the four PUD districts shall carry the following designations to indicate their component elements:~~

~~(a) R-1/PUD/HC;~~

~~(b) R-1/PUD/MC;~~

~~(c) R-3/PUD/HC; and~~

~~(d) R-3/PUD/MC.~~

~~(12) A PUD district containing an R-1 component may not be applied to property located within 1,000 feet of any land within an R-3 zoning district.~~

~~(13) No area of less than ten contiguous acres may be rezoned as a PUD district and then only upon the request of the owner or owners of all the property intended to be covered by the zone.~~

~~(14) A planned unit development (use classification 29.400) is the only permissible use of PUD zone and PUD are permissible only in the zones.~~

~~(15) Any expenses involved in the improvement of any property prior to the written receipt of preliminary plat approval by the County Board of Commissioners shall be incurred solely at the risk of the owner/developer. Preliminary plat approval shall in no way be construed as constituting an official action of approval for recording of the subdivision as required by this section.~~

~~(16) Concurrent submittals of initial sketch, preliminary and/or final plats will not be accepted for review. However, concurrent submittals of preliminary and final plat may be allowed by the code inspection and planning when no improvements are required.~~

~~(B) Design standards and criteria.~~

~~(1) This division excludes those dealing with signs.~~

~~(2) Instead of meeting the general zoning dimensional requirements and other standards, the planned unit development shall meet the following requirements:~~

~~(a) Land area/density.~~

~~1. Minimum parcel size shall be ten acres.~~

~~2. Permitted density shall be three dwelling units per net acre of those areas identified for residential uses only but the permitted density shall be four dwelling units per net acre of those areas identified for residential uses only when all of the residential and commercial structures within the PUD are connected to a public sewer system; density calculations will not include commercial areas. Net acreage shall be determined by on-site evaluation of technical staff, eliminating all areas, designated by CAMA as wetlands. Sketch plan approval shall be based upon a general inspection of the factors. Preliminary approval shall require net and gross acreages to be shown by actual survey based upon CAMA designated wetland perimeters.~~

~~3. Thirty-five percent of the non-CAMA area intended for residential development of the tract shall be common open space. Alternatives to common ownership may be considered such as open space easements across private land and third-party ownership of facilities, golf courses and the like, so long as common accessibility is maintained. Open space in general shall be designed to provide visual relief to dense residential areas as well as recreation opportunities to be enjoyed in common by property owners including, but not limited to recreational buildings, tennis courts, swimming pools, jogging trails and related areas.~~

~~4. Fifty percent of open space must be designed for passive or active recreation, including, but not limited to walking, jogging, hiking, bicycling and other uses which involves general pedestrian access to residential areas. The remainder of the open space may include areas providing visual relief, but not offering general pedestrian access such as wetlands. Portions of this open space may be dedicated to the county by the developer or property owner's association to provide for the location of public facilities now or in the future.~~

~~(b) Permitted uses.~~

~~1. Permitted uses will be those of the base zoning district unless otherwise specified.~~

~~2. Dwelling units may include any variation of single and multi-family units allowed in the underlying zoning district so long as health, safety and fire regulations are observed in location and construction of units and configuration of lots. In particular, emergency vehicle access must be provided to each unit and the provisions of the State Uniform Building Code and associated regulations of the Department of Insurance and NFPA shall be observed.~~

~~(c) Streets and roads.~~

~~1. Roads shall be constructed to meet state secondary road standards for design and construction as contained in the Subdivision Roads, Minimum Construction Standards Handbook, as revised, published by the State Department of Transportation in all respects, except width of pavement and right-of-way.~~

~~2. All roads within a residential zoning area in the residential area must include a bike path not less than six feet wide. The bike path system should be designed to connect the residential area to the commercial component. PUDs with multiple parcels shall be connected by a bike path system.~~

~~3. Roads shall be designed to create the minimum feasible amount of land coverage and the minimum feasible disturbance to the soils.~~

~~4. Variations in right-of-way standards shall be permitted in order to keep grading and cut/fill to a minimum while insuring that drainage and access for maintenance are provided.~~

~~5. Public streets carrying local two-way traffic within the PUD shall have a minimum of 20 feet paved surface width. Streets and roads connecting directly to county and state roads shall have 60 feet right-of-way within a minimum of 50 feet of the intersection.~~

~~6. One-way streets may be permitted as an option but not encouraged, where appropriate for the terrain and where public safety would not be jeopardized; the travel way for a one-way street shall not be less than 14 feet excluding parallel parking bays.~~

~~7. Combinations of collective private driveways, cluster parking areas and on-street parallel parking bays may be used to attempt to optimize the objectives of minimum soil disturbance, minimum impervious cover, excellence of design and aesthetic sensitivity.~~

~~(d) Design criteria for layout of roads and lots.~~

~~1. Coordination and continuation of streets; (The proposed street layout within a PUD shall be coordinated with the existing street system of the surrounding area and, where possible, existing principal streets shall be extended.)~~

~~2. Access to adjacent properties; (Where, in the opinion of the Board of Commissioners, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of the property and a temporary turn around easement shall be provided. The use of residential strips of land in order to prevent the extension of proposed or existing streets or access thereto is prohibited. Landlocked parcels shall not be created.)~~

~~3. Marginal access streets; (Where a tract of land to be developed as a PUD adjoins a principal arterial street, the developer may be required to provide a marginal access street parallel to the arterial street or reverse footage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial. Also, a 25-foot non-access buffer zone will be required on the side of the lot, which abuts the principal arterial street. A ten-foot buffer may be considered sufficient if the vegetation creates a year-round opaque screening or a combination of vegetation adjacent (facing) the right-of-way with a six-foot fence of solid construction from the ground up is provided. This buffer zone may be counted toward the open space requirement platted as common open space or maybe counted as a portion of each individual lot.)~~

~~4. Street names and name signs; (Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names within the 911 system serving the county irrespective of the use of a suffix such as street, road, drive, place, court and the like. Street names shall be subject to the approval of the Board of Commissioners. The developer shall be required to provide, erect and arrange for maintenance of street signs of a legible and durable construction, as provided by the Board of Commissioners. At least two street name signs shall be placed at each four-way street intersection and one at each "T" intersection. At least two or more traffic-control signs shall be placed at each four-way street intersection and at least one at each "T" intersection. Signs shall be installed free of visual obstruction and shall conform to county and State Department of Transportation standards.)~~

~~5. Traffic-control signs, and signals, if deemed necessary by State Department of Transportation, shall be erected and maintained by the developer at each street intersection within the subdivision and at each intersection of a subdivision street and a state-maintained road or access road; (Signs shall comply with the Department of Transportation regulations with regards to size, shape, color, location and information contained thereon. At least two or more traffic control signs shall be placed at each four-way street intersection and at least one at each "T" intersection. Signs shall be installed free of visual obstruction.)~~

~~6. Construction standards; (All streets intended to be dedicated to the state shall have rights-of-way~~



and construction meeting standards set by the State Department of Transportation for acceptance and maintenance as part of the state system of highways. The Division of Highways, through its District Highway Engineer, must approve the plat with respect to road construction, road width and right-of-way prior to recording. Without the approval, the plat cannot be recorded. All private streets remaining under the maintenance, control and responsibility of a developer or homeowner's association shall provide certification by a licensed engineer that the streets have been constructed to state standards, without regard to minimum right-of-way requirements.)

7. Through traffic discouraged on collector and minor streets; (Collector and minor streets shall be so laid out that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools and other places of public assembly.)

8. Cultural and historic; (The developer shall not destroy buildings or structures of cultural or historic significance as determined by county technical staff in consultation with state preservation officials.)

9. Lots:

a. Every lot shall front or abut a state-maintained road or paved subdivision street. Lot sizes, shapes and locations shall be made with due regard to topographic conditions, contemplated use and surrounding area. Minimum lot width shall be in accordance with §§ 151.060 through 151.068.

b. PUDs, subject to this chapter, district regulations. Lots shall conform to the area, dimensional and building setback requirements as prescribed in this chapter for the appropriate zoning district in which the proposed PUD will be located. The minimum lot area shall be 10,000 square feet when the lot is connected to both a public water system and a public sewer system.

10. Double frontage; (Double frontage or reverse frontage lots shall be avoided, except when used in conjunction with the provisions for marginal access streets. Double frontage lots require a non-access buffer of 25 feet in addition to other dimensional requirements.)

11. Corner lots; (Corner lots shall be ten feet wider than the required minimum order to accommodate the additional setback required. Residential driveways on corner lots shall be designed to ingress/egress on the least traveled road.)

12. Side lot lines; (Side lot lines shall be substantially at right angles or radial to street lines. Where side lot lines intersect at the rear of the lot, the angle of the intersection shall not be less than 60 degrees.)

13. Streets shall be constructed and designed to meet state standards for assumption of maintenance and provisions for ownership and maintenance shall be clearly specified and designated on the plat; and

14. Roads not meeting state standards for assumption of maintenance shall be offered in dedication to the public only to permit access by public service and emergency vehicles and ownership and maintenance shall be clearly specified and designated on the plat.

(e) *Utilities and drainage.*

1. Suitable plans for public water service, central facilities for treatment of sewage as required by this chapter, erosion control and storm drainage shall be provided. All systems shall meet applicable federal, state and county requirements.

2. Utilities shall be installed which will be compatible with existing or proposed central water and sewer systems and designed for economical connection to such a system when it becomes available.

3. The county shall require fire hydrants or other approved access to a water supply to assist in providing fire protection.

4. Utility and drainage easements of a minimum of ten feet shall be provided along all side and rear lot lines and a 15-foot easement is required along front lot lines. Where a development concept is approved which requires zero lot line development, alternative easement locations may be considered.

5. Retention and drainage facilities or structures shall use natural topography and natural vegetation where possible. All on-site facilities shall be properly maintained by the owner or homeowner's association so that they do not become nuisances. Nuisance conditions shall include improper storage resulting in uncontrolled run-off and overflow, stagnant water with concomitant algae growth, insect breeding and odors.

6. Adequate provisions for the collection and disposal of garbage and refuse shall be provided in a manner that the PUD will be maintained in a clean and orderly appearance.

7. Telephone and electric wires shall be installed underground and any facilities or structures shall be appropriately screened, buffered or landscaped to minimize unsightliness. Location shall be such as to cause minimum interference with maintenance of roads, drainage facilities and other utility installations.

8. No buildings or structures shall be allowed to be built in wetlands other than viewing platforms, raised nature walks, boat ramps, piers, docks and other similar structures.

(f) *Cul-de-sacs.* No cul-de-sac or dead end street shall exceed 1,000 feet in length nor be less than 100 feet in length, as measured from the closest street intersection centerline. Cul-de-sacs will be designed and constructed to meet state standards and NFPA standards. In addition, the entrance into the cul-de-sac shall be flared by sufficient width to ensure proper turning radius for emergency vehicles upon entering and exiting the cul-de-sac.

(g) *Intersections.* Intersections shall be designed to be more than 125 feet apart.

(h) *Improvement.* Where access to a PUD site is by a road not meeting current state standards, that road shall be improved by the developer to meet current state standards.

(i) *Wetlands.* Where any lot or site includes an area of CAMA wetland, as determined by an on-site evaluation of the county technical staff, the wetland area may not be counted as part of the minimum square footage required of any lot for development, nor for any requirement for open space. CAMA wetlands are those lands which are subject to regular or periodic flooding and bear characteristic vegetation or as defined in the State Administrative Code description any salt marsh or other marsh subject to regular or occasional flooding by tides, including wind tides provided this shall exclude hurricane or tropical storm tides. All 404 wetlands must be delineated and approved by the U.S. Army Corps of Engineers and a statement entered on

the plat stating the existence of 404 wetlands on the property. These 404 wetlands may be counted as part of the minimum square footage required.

~~(j) Soils. No lots requiring over 24 inches of fill to attain required separation for on-site septic system shall be developed or used for building purposes.~~

~~(k) Water access. For PUDs of 20 or more lots, where property being subdivided abuts public trust or estuarine waters, adequate areas suitable for access to those waters by the general public shall be established. At a minimum, this area shall include 20,000 square feet and shall be contiguous to the tract being developed.~~

~~(l) Drainage. Each subdivision shall provide adequate storm drainage for all areas in the subdivision. A combination of storage and controlled release of stormwater run-off is required. The release rate of stormwater from all developments shall not exceed the 100-year stormwater run-off from the area in its natural state (post-development vs. pre-development). All free flowing storm drainage systems shall be designed to accommodate the run-off generated by a 100-year design storm or State Department of Transportation (NCDOT) standards if more restrictive and the system will be maintained by NCDOT.~~

~~1. Plans must be prepared and sealed by a registered engineer, and show, at minimum, the following information:~~

- ~~a. Elevation survey of entire tract with Topo, lines at one foot intervals;~~
- ~~b. All culvert inverts, including driveway culverts;~~
- ~~c. Direction of flows;~~
- ~~d. Upstream and downstream analysis (cross-sections) of drainageway to outlet, creek, stream, river, sound;~~
- ~~e. Stormwater storage analysis, storing the differential between the outlet ditch capacity at bank full and the 100-year storm event throughout the proposed development area;~~
- ~~f. Drainage calculations for drainway design within boundaries of the proposed subdivision and off-site, if appropriate; and~~
- ~~g. Show total pre-development and post-development run-off in CFS (cubic foot per second) volume leaving development area.~~

~~2. Plans must address maintenance of the drainage system and who will be the responsible party to ensure proper maintenance is performed on the drainage system. The plan will be reviewed and inspected by county technical staff members.~~

~~(m) Erosion.~~

- ~~1. Cut and fill shall be limited to affecting no more than 50% of the site. Fill shall not encroach on natural watercourses, their floodplains or constructed channels in a manner so as to adversely affect water bodies or adjacent property owners. Further cut and fill restrictions shall apply in floodplains in accordance with §§ 151.380 through 151.387 and 151.400 through 151.403.~~
- ~~2. Sediment traps, basins and other control measures for limiting erosion will be installed per a state-approved erosion and sedimentation control plan and will be reviewed and inspected by county technical staff members.~~

~~(n) Public access. No developer may usurp, abolish or restrict public access areas to the waters contiguous to the county or other local bays, sounds, creeks, rivers or canals which public access has been historically enjoyed by the people of the county.~~

~~(o) Schools, fire and police and the like.~~

- ~~1. For PUDs involving 100 or more lots, the developer shall set aside space for community facilities, namely one acre of land with soils suitable for development for each 50 lots.~~
- ~~2. This requirement shall be in excess of the required open space.~~

~~(p) Fee in lieu of dedication. In lieu of dedication of land for open space and/or dedication of land for community facilities, the developer may, at the county's option, make a payment to the county of an amount of money equal in value to the land as it would be appraised following its subdivision.~~

~~(C) Required planned unit development submission documents and information.~~

	Sketch Plan	Preliminary Plat	Final Plat
Project, Plat Information:			
Name of PUD, township located, county and state	X	X	X
Name, signature, license number, seal and address of engineer, land surveyor, architect, planner and/or landscape architect involved in preparation of plat	X	X	X
Vicinity map: one inch equals 2,000 feet or larger	X	X	X
North arrow and scale			
Scale to be one inch equals 200 feet or larger	X		
Scale to be one inch equals 100 feet		X	X

	Sketch Plan	Preliminary Plat	Final Plat
Number of copies required			
Fifteen black or blue line copies with one, 8½-inch by 11-inch reduced copy	X	X	
Fifteen black or blue line copies, plus three copies suitable for reproduction, drawn in ink on Mylar, vellum, film or a reverse sepia, plus one, 8½-inch by 11-inch reduced copy			X
Payment of application fees	X	X	X
Property information: location of existing structures, property lines, paths, streets, roads, railroads, ditches, canals, streams, water courses, bridges, culverts, storm drainage pipes, utility lines and structures, water lines, septic systems, wells, easements, rights-of-way within the property to be subdivided and within 50 feet of the exterior property lines			
Approximate location	X		
Actual location		X	
Ownership of adjoining property	X	X	X
The boundaries of the property and the portion of the property to be subdivided, together with metes and bounds description showing dimensions, bearings and distances	X	X	X
Total acreage of the property to be subdivided	X	X	X
Minimum lot size and the total number of lots			
Approximate size and total of each lot	X		
Actual size and total of each lot		X	X
The zoning classification of the property and of adjacent properties	X	X	
Tentative surface and subsurface drainage		X	
Location of land to be dedicated or reserved for public or private use (parks, recreational sites, open space requirements, reserved utility space and the like) and their area, accompanied by provisions concerning their future ownership and maintenance			
Approximate location and area	X		
Actual location and area		X	X
Lot lines to be shown for the entire tract, no future development left undefined			
Approximate location	X		
Actual location with dimensions		X	X
Location or areas, if any, to be used for non-residential purposes			
Approximate location	X		
Actual location		X	X
Development information: location, widths and purpose of any proposed natural buffers, pedestrian/ bicycle/jogging trails or courses, rights-of-way or other easements, location(s) of existing cemeteries, layout of any proposed utilities (sewer, water, drainage, gas, electricity or telephone lines) showing connections to existing systems or easements reserved for proposed or potential systems, location of community water or community sewage disposal systems, proposed buildings and location of any proposed ponds or other storm drainage features and any proposed modifications to existing topography			
Approximate location and area	X		
Actual location and area		X	X
Minimum building setback lines shall be shown on each individual lot		X	X
Layout of lot arrangement, including lot lines, dimensions and lot and block numbers	X	X	
Any rezoning requests, if necessary, for the project to develop as proposed	X		
Signature block for Chairperson, Board of Commissioners	X	X	X

	<i>Sketch Plan</i>	<i>Preliminary Plat</i>	<i>Final Plat</i>
Appropriate certification blocks	X	X	X
True copy of homeowner's association documents and any restrictive covenants applicable to development, if any created			X
A rough, general map at the same scale showing ownership and use of all property abutting or within 1,000 feet, whichever is greater	X	X	
Summary table to include: 1) Number of lots/units; 2) Number of acres in total parcel; 3) Density and number of units/net acre; 4) Percentage of open space; 5) Number of acres in open space			
—Approximate number	X		
—Actual number		X	X
A statement addressing the impact on the fiscal resources of the county, including additional tax revenues anticipated and additional cost, such as for fire, police, solid waste, health, social services, water, sewer, schools, roads and the like	X	X	
Street addresses must be shown on each lot		X	X
<b>Setting, Environmental Information:</b>			
Floodplain criteria as per §§ 151.380 through 151.387			
—Approximate location	X		
—Actual location		X	X
Determination by the Local Coastal Area Management Act permit (CAMA) Officer as to whether the proposal is or is not located within any area of environmental concern	X		
Location and area of all designated areas of environmental concern within the PUD or other areas which are environmentally sensitive, such as CAMA wetlands or 404 wetlands, as defined by the U.S. Army Corps of Engineers			
—Approximate location and area	X		
—Actual location and area		X	X
Location of natural features such as wooded areas, swamps, water courses, floodplains, soil types, vegetation (both general cover in terms of hardwood or pine trees, shrubs or brush and specific types that may be significant or unique), and the like on-site and within 100 feet of exterior property line			
—Approximate location	X		
—Actual location		X	
Contour intervals of two feet with flood elevation data; grading plan may be required	X		
Comparison of how development relates to the Maritime Forest Guide		X	
<b>Improvements and Construction Information:</b>			
Location of street rights-of-way, cul-de-sacs, turnarounds and the like, along with design widths and distances in linear feet; must show paved areas and areas to be graveled			
—Approximate location	X		
—Actual location		X	X
Street names			
—Proposed	X		
—Actual		X	X
Site identification signs, traffic-control signs, streets name signs and directional signs			
—Show location and type		X	
—Must be erected			X

	Sketch Plan	Preliminary Plat	Final Plat
Engineering data: approximate street grade, design data for street corners and curves, plan and profile for streets and water/sewer lines; any additional data which may be required by the State Department of Transportation, the county's Public Works Department or any of the other official reviewing agencies	X		
Perc test reviewed and approved on each individual lot by the county's Health Department; if centralized or community systems are being proposed, then reviews and approvals are required by the appropriate state reviewing agency		X	
Drainage calculations in order to comply with state stormwater regulations		X	
Soil erosion and sedimentation control plan, as reviewed and approved by DEHNR Land Quality Section		X	
Proposed utility infrastructure plans, including sanitary sewer, water, stormwater management, telephone, electric and cable television		X	
Location and construction details of either wet or dry fire hydrants		X	
Lighting plan and details, if proposed	X		
Landscape and tree planting plan with details, if required		X	
Solid waste management (dumpster) plan, if required	X		
Sight triangles	X	X	
Two copies of "as built" plans to be submitted			X
Construction details, as required hereby		X	X
Monumentation set and control corner established			X
Payment of per lot connection fees for county water		X	
For subdivisions containing 20 or more lots, the information listed below shall be provided; the number of lots shall be determined by counting the cumulative number of lots created on a tract as such boundaries existed as of July 1, 2000, by anyone who owned, had an option on or any legal interest in the original subdivision			
<b>Development Impact Statement:</b>			
Physical analysis (type units expected, including number of bedrooms, projected value, size and timing of phases and the like	X		
Housing market analysis (delimit market area, project demand, supply and unmet demand, determine net capture, identify development profile)		X	
Environmental impact (water consumption estimated per unit type, hydrological report by a licensed engineer identifying available water resources, report outlining sewer generation and means of disposal)	X		
Fiscal analysis (estimated real property valuation, estimated personal property valuation, estimated annual land transfer tax value)	X		
Traffic analysis (estimated number of trips generated, volume of existing traffic on roads adjacent to and within one-half mile of tract, directional distribution of traffic, capacity analysis)		X	

(D) — Refer to §§ 151.234 through 151.240 for required certification blocks and plat procedures.

**Article II.** (A) *General.* The Planned Unit Development ("PUD") district is a conditional use zoning district that allows multiple uses which make efficient use of land and other natural resources, subject to controls and restrictions establishing satisfactory buffering, landscaping, open space, traffic control, density, parking and any other conditions established or imposed by the Camden County Board of Commissioners.

(1) *Uses Authorized.* In a PUD district, the owner may make use of the land for any purpose specifically authorized by the Board of Commissioners in its approval of the PUD district. In considering the uses to be included in the PUD, the Board of Commissioners may permit any uses authorized in the Table of Permissible Uses subject to restrictions and conditions imposed by the Board of Commissioners in its approval of a PUD district and to the provisions of this section. In approving a PUD district or in making modifications thereto, the Board of Commissioners may attach additional conditions or requirements that will, in its judgment, secure the objective of the standards or requirements of this article.

(2) *Definition; Intent.* A PUD is defined as the phased or unphased development of one parcel or multiple physically connected parcels, consisting of at least 50 gross acres and at least 25 net acres (defined in subsection (C)(9)(a)(6))

hereof). Through use of the PUD district, the County desires to foster development of land that has a higher degree of consideration of physical features and natural constraints to development than would be possible under general zoning or subdivision regulations. A PUD is expected to promote a more efficient use of the land, a higher level of amenities and more creative design than would otherwise be possible. Therefore, the development standards and conditions in PUD districts will be set through the conditions of the rezoning of property to PUD district and approval of the PUD Master Plan and Conditional Use Permit.

(3) PUD Approval Process Under the Camden County Unified Development Ordinance. PUDs shall be approved for development through a three-step process under the Camden County Unified Development Ordinance and the three steps may be combined if desired by an applicant. The first step of the process is rezoning the proposed PUD to the PUD conditional use zoning district. This process is addressed in subsection (B) of this section. The second step of the process is approval of a Master Plan and Conditional Use Permit for a PUD. This process is addressed in subsection (C) of this section. The third step of the process is approval and recording of a final plat of the PUD (which may be done in multiple phases). This process is addressed in § 151.298(C) (4-8). Until the first two steps have been completed with respect to any portion of a PUD, no construction of that portion of the PUD may begin.

(B) Establishing a PUD District. A petition to amend the Zoning Map to allow a PUD district may only be initiated by the owners of all property included within the PUD, or by one or more interested persons, acting with the written consent of the owners of all property included in the PUD.

(1) Pre-Application Meeting. The applicant seeking to rezone property to a PUD district is strongly encouraged to schedule a pre-application meeting with County Planning Staff. No later than ten (10) business days prior to the scheduled pre-application meeting, the applicant should submit a conceptual plan or some similar depiction to the County Planning Department of the PUD district which the applicant desires. The purpose of the pre-application meeting is (a) to determine whether the proposed PUD district presents issues seriously at odds with the provisions of this section, (b) to confirm that the applicant understands all materials that must be submitted with the formal application, and (c) to allow the applicant to receive early input from County Planning Staff on the proposed PUD zoning application.

(2) Rezoning Petition. The owner(s) or those acting with written consent of the owner(s) of all the property included in the petition to rezone to a PUD conditional use zoning district shall submit a completed application and conceptual plan to the County Planning Department at least four (4) weeks prior to the Planning Board meeting at which the application is to be heard. Such application shall include all of the requirements pertaining to it in this subsection. Along with a completed PUD rezoning application and conceptual plan, the applicant shall submit to County Planning Staff a completed Smart Growth Score Card. Applications shall be accompanied by a fee set according to the Planning Department Fee Schedule.

(3) Mandatory Elements of PUD Rezoning Applications. Every application for PUD conditional zoning district shall combine uses from at least two of the major use categories which are listed in Article 151.334 (Table of Permissible Uses). Only uses authorized in the approval ordinance shall be allowed. Prohibited uses within PUDs include:

<u>Use #</u>	<u>Description</u>
6.250	– Automobile and motorcycle racing tracks
6.251	– Competitive go-kart/ATV race track
6.260	– Drive-in movie theater
6.270	– Private Campground
6.271	– Travel trailers allowed
6.280	– Petting zoo
6.300	– Outdoor firing range facilities
7.400	– Penal Institutions
11.000	– Scrap Materials, Salvage Yards, Junk Yards and Automobile Graveyards (all subcategories)
12.200	– Kennels
14.000	– Agricultural, Silvicultural, Mining and Quarrying Operations
18.200	– Wireless Telecommunications Facilities over 35 feet tall
19.000	– Open Air Markets (all subcategories)
24.000	– Crabshedding (all subcategories)
30.000	– Stockyards
31.000	– Agribusiness Uses
34.000	– Land Application of Commercial Sludge and Commercial Liquid Septage

(4) The conceptual plan shall include the uses proposed by the applicant and demonstrate the applicant’s ability to comply with the Minimum Design and Development Criteria of this article.

- (a) A completed zoning application form, which shall include:
1. Name, address and phone number of applicant.
  2. Ownership information - if the applicant is not the owner of the property in question, (i) the name, address and phone number of the owner(s); (ii) an explanation of the legal relationship of the applicant to the owner that entitles the applicant to make application; and (iii) written consent from the owner(s) giving applicant authority to submit such zoning application.
  3. The date of the application.
  4. Identification of the property in question by street address, tax map reference and/or deed(s) reference.
  5. The zoning district within which the property lies.
  6. A boundary survey showing the dimensions and the number of square feet in or acreage of the property where the development is to take place.
  7. Two sets of stamped envelopes addressed to all property owners of property within 150 feet of the property to which the rezoning petition applies and within 150 feet of all other contiguous property owned by the property owner/petitioner and/or all land contained within the parcel(s) to which the rezoning petition applies.
  8. A copy of the Neighborhood Meeting sign-in sheet.
- (b) Existing site conditions - description and/or diagrams of existing natural, man-made and legal features including the following:
1. Existing natural features:
    - (i) A general description and location of prevalent tree canopy and vegetation.
    - (ii) Streams, ponds, drainage ditches, swamps, boundaries of 100-year floodways and floodplains, and general location of wetlands.
    - (iii) Contour lines with no larger than two-foot contour intervals.
    - (iv) Unique land formations and features (i.e., endangered and threatened plants and animals, waterfalls, rock outcroppings, etc.).

2. Existing man-made features:

- (i) Streets, private roads, parking areas, sidewalks and other walkways as well as any curb, gutter, fire hydrants or any associated drainage structures.
- (ii) Storm water or drainage facilities including manholes, pipes and drainage ditches.
- (iii) Utility services, including water, sewer/septic, electric power, light poles, telephone, gas, or other major-facilities.
- (iv) Buildings, structures, signs including any historical structures.

3. Existing legal features:

- (i) Zoning of the property, including zoning district lines where applicable.
- (ii) Property lines of the site to be developed (with dimensions identified), adjacent property lines (including corporate limits, town boundaries and county lines).
- (iii) Street rights-of-ways.
- (iv) Utility or other easement lines.
- (v) Deed book and page reference demonstrating ownership of property.
- (vi) Zoning, use, pin number, and ownership of all adjacent tracts.

(c) Development Conditions - A set of conditions in compliance with the standards specified shall apply to development within the real property that is included in the zoning petition. The following shall be included:

1. Development program - a succinct statement of the nature and intent of the development proposed, the proposed phasing, the proposed land use categories and the permitted uses within each use category. This program shall specify the maximum density, maximum number of dwelling units and/or gross floor area of non-residential uses for each proposed use category for the entire PUD.

2. Development standards table [The specificity of this item is open for discussion]

Dimensional standards for each use or use category, as appropriate:

- (i) Maximum impervious lot coverage.
- (ii) Maximum building/structure heights.
- (iii) Minimum Open Space (area).

Graphic illustrations that depict typical standards, such as lot layouts, shall be included, if differing from standards specified within the Unified Development Ordinance.

3. Statement(s) regarding the treatment of known natural and man made features identified on the site.

4. Statement(s) regarding any public facilities, housing or improvements to be made as part of the development.

(d) Conceptual Plan - A drawing or series of drawings that is intended to demonstrate the general design concept, character and intent for the development of the entire property, including the proposed mix of land uses within the property, general locations of such land uses, general location of storm water and drainage infrastructure, and the overall transportation circulation pattern within the property. All Conceptual Plan submittals must meet the required drawing standards and must graphically include:

1. A general vicinity map indicating the location of the property in relation to its surroundings.

2. A summary table or list providing:

- (i) The total number of acres of the site.
- (ii) The proposed net developable acres for the site.
- (iii) The proposed use categories.
- (iv) the proposed maximum number of dwelling units and/or gross floor area of non-residential uses for each proposed use category and maximum gross density (DUA and/or FAR) for the PUD.

3. The general location of all proposed commercial, industrial, office and/or retail uses.

4. The general location for all proposed residential types.

5. The general location and type of any proposed amenities including recreational facilities, trails and other pedestrian circulation facilities or amenities.

6. The proposed transportation circulation patterns including general points of ingress/egress for the development from existing roads and the general location and identification of proposed Local, Sub-Collector, Collector and Arterial streets within the site.

7. The general location of proposed Primary Project Signage.

8. The general location of proposed Open Space.

9. The proposed perimeter buffer treatment(s), screening requirements and general landscape treatments.

10. The general location of primary proposed storm water management facilities (indicating approximate location of primary detention ponds, other facilities and best management practices to be employed).

11. The incorporation of any known historic structures or significant natural site features (i.e. rock outcroppings, waterfalls, etc.).

12. The general location of any other proposed major structures or facilities.

(f) Calculations demonstrating the estimated water and sewer capacity required to service the proposed project.

(g) Traffic Impact Analysis (TIA) study performed and prepared by a certified transportation or traffic engineer.

(h) A statement as to which, if any, streets are proposed for dedication to the State DOT.

(5) Rezoning Process. *The process and procedure for rezoning property to a PUD district shall be the same process and procedure as set forth in §§ 151.580 through 151.586 of this Chapter.*

(6) Future Development. *An applicant may request that a PUD district be adopted, notwithstanding that a portion of the PUD shall be reserved for future development. In the event a portion of a PUD district is reserved for future development, no construction may take place within such area until the PUD Approval Ordinance is amended and Master Plan conditional use permit is issued. In the event the applicant seeks to amend a PUD Approval Ordinance, such an amendment shall be regarded as a major amendment to the PUD district and shall be processed as if a new rezoning is being sought.*

(7) PUD Approval Ordinance to be Issued. *Upon approval of a PUD conditional use district by the Board of Commissioners, the Board of Commissioners shall adopt a "PUD Approval Ordinance" in accordance with § 151.580 thru 151.585. The PUD Approval Ordinance shall state the uses and conditions approved by the Board of Commissioners and authorize the owner to prepare a Master Plan; however, no construction activities shall begin until the Board of Commissioners has approved the PUD Master Plan. Every PUD Approval Ordinance shall be recorded promptly in the Camden County Register of Deeds and indexed under the name(s) of the owners of the property rezoned to the PUD district and under the County's name. A PUD Approval Ordinance shall not expire and shall remain in full force and effect unless the Board of Commissioners rezone the property subject to the PUD Approval Ordinance. Upon rezoning of the property, the County shall record a notice of cancellation of the PUD Approval Ordinance.*

(8) Each PUD Conditional-Use District shall be designated on the Camden County Zoning Map as CUD-PUD-XX-YY with XX representing the last two digits of the year the rezoning was adopted and YY representing the number of the conditional-use district in the chronological order of its adoption during the adoption year

(C) PUD Master Plan and Conditional Use Permit.

(1) No construction may commence in a PUD conditional use district prior to a PUD Master Plan being approved by the Board of Commissioners and a Conditional Use Permit issued. A PUD Master Plan may be submitted with the applicant's PUD rezoning petition or may be submitted after the Board of Commissioners has approved a PUD conditional use district.

(2) A PUD Master Plan shall comply with all the requirements of this article and shall provide sufficient information for the Board of Commissioners to make the findings required by §151.298(C)(11).

(3) At a minimum, a PUD Master Plan shall describe with reasonable certainty the type and intensity of use for each specific parcel or parcels of the PUD.

(4) A PUD Master Plan may provide for phased development and may show one or more initial phases in sufficient detail so as to satisfy the submission standards for a preliminary plat, while other phases may be shown with less detail. Upon approval of a PUD Master Plan, the applicant shall have the authority to begin construction activities on those phases shown on the PUD Master Plan in sufficient detail as to satisfy the submission standards for a preliminary plat in §151.233. For those portions of the PUD Master Plan shown in sufficient detail as to satisfy the submission standards for a preliminary plat in §151.233 (the "Detailed Areas"), no later than two (2) years after approval of the PUD Master Plan, a final plat pertaining to at least a portion of the Detailed Areas shall be submitted for County review, unless a longer submittal period is approved by the County (e.g., pursuant to a development agreement).

(5) As to portions of the PUD Master Plan not shown in sufficient detail to satisfy the submission standards of a preliminary plat, the applicant will need to either submit a refinement of the PUD that satisfies the submission standards for a preliminary plat or amend the PUD Master Plan before beginning construction in those areas.

(6) In conjunction with approval of a PUD Master Plan, the Board of Commissioners may delegate future review and approval of refinements to the PUD Master Plan to the Planning Department. In a case where review and approval of future refinements to the PUD Master Plan have been delegated to the Planning Department and the Planning Department does not approve such refinements, the applicant may seek review of such refinements by, and a decision made thereon by, the Board of Commissioners. For purposes of this section, "refinements" consist of submissions of additional detail consistent with prior approvals, and "amendments" consist of requests to alter the type or intensity of use for one or more parcels within the PUD, other than Minor Modifications.

(7) Unless they constitute Minor Modifications, any amendments to a PUD Master Plan shall be reviewed by the Planning Department and approved by the Board of Commissioners. Review and approval of any refinement or amendment shall be restricted to only such parcels of the PUD as are made the subject of the applicant's request for refinement or amendment.

(8) All final plats of PUDs shall be reviewed and approved by the Planning Department based upon the standards and conditions established by the approved PUD Master Plan and Conditional Use Permit. The general provisions relating to sketch plans shall have no applicability to PUDs and design standards applicable to preliminary and final plats shall not apply to plats submitted in furtherance of completion of a PUD Master Plan. Every PUD Master Plan shall be deemed a site specific development plan under N.C.G.S. 153A-344.1. The applicant may request either simultaneously with the submittal of a PUD Master Plan or after its approval a certificate of vested rights as provided in N.C.G.S. 153A-344.1.

(9) Minimum Design and Development Criteria. *The following are the Minimum Design and Development Criteria which must exist and be addressed in every PUD Master Plan:*

(a) General Site Considerations.

1. PUDs shall abut and have access to a publicly-maintained highway, road or street.
2. The existing publicly-maintained roadway system shall have the ability to handle the anticipated increase in traffic volume from the PUD as it develops, or the owner of the PUD shall commit to upgrading the roadway system; such as, but not limited to, the addition of a turning lane.
3. Points of ingress and egress shall be reviewed by the Board of Commissioners, approved by NCDOT, and shall minimize traffic hazards, inconvenience and congestion.
4. Parking facilities or lots for uses other than detached single-family, duplex or triplex dwellings shall be generally shown on the PUD Master Plan and will be subject to approval of the Board of Commissioners as part of its consideration of the PUD Master Plan.
5. When a PUD abuts a residential district, there shall be a minimum fifty (50) foot permanent vegetated buffer along all exterior boundaries abutting the residential district, except any street frontage. Regardless of the zoning district of adjoining properties, there shall be a vegetated buffer along all exterior PUD boundaries abutting public streets and at each entrance. This street frontage buffer shall be in keeping with the character of the neighborhood, shall serve to protect adjacent land uses from any adverse impact of the PUD, and shall provide attractive presentation and entrance for the PUD. Where required buffers traverse ponds, wetlands, RPA buffers, lakes, rivers or other environmentally sensitive areas or golf courses, then installation of landscaping shall not be required in such areas. The Board of Commissioners (or in the case where the Planning Director is



delegated the authority to review and approve PUD Master Plan refinements, the Planning Director) may, on a case-by-case basis, modify landscaping and buffering requirements or grant deviations from landscaping and buffering regulations when the purposes of those requirements and regulations have been satisfied through the proposed arrangement of uses, existing or proposed vegetation, existing or proposed topography (including installation of berms), or proposed improvements respecting the transition of uses, such as fencing or walls. This buffer may be included in the tally of acreage required for open space within the PUD.

6. Land Area. Only an area of fifty (50) or more contiguous gross acres and twenty-five (25) or more net acres as determined pursuant to this paragraph, may be zoned as a PUD district. Net acreage of the property proposed for the PUD district shall be determined following submittal of the application for PUD district rezoning through either (a) County staff review of delineations of all areas designated as wetlands or protected riparian areas within the proposed PUD by the North Carolina Department of the Environment and Natural Resources and/or the Army Corps of Engineers (where applicable), or (b) an on-site evaluation by technical staff (including technical staff of state and federal agencies where applicable), excluding all areas designated as wetlands or protected riparian areas under either federal or state law, including CAMA wetlands. CAMA wetlands are those lands which are subject to regular or periodic flooding and bear characteristic vegetation, or, as defined in the State Administrative Code, any salt marsh or other marsh subject to regular or occasional flooding by tides, including wind tides, but excluding hurricane or tropical storm tides. PUD Master Plan approval shall require net and gross acreages to be shown by an actual survey.

7. Open Space. At least twenty-five percent (25%) of the total net area of the PUD district shall be designated as open space.

a. Open space shall be designated on the PUD Master Plan as common area/open space to be held in separate ownership for the use and benefit of the users and residents of the PUD.

b. Alternatives to common ownership of open space may be considered such as open space easements across private land and third-party ownership of facilities (golf courses, etc.) so long as common accessibility is maintained.

c. A portion of the required open space shall be designed for passive or active recreation, including but not limited to: walking, jogging, hiking, bicycling, golfing, swimming, tennis facilities and other uses that involve general pedestrian access. The remainder of the open space may include areas providing visual relief but not offering general pedestrian access, such as water courses or water bodies. Portions of this open space may be dedicated to the county by the developer or property owners' association to provide for the location of public facilities now or in the future.

d. A portion of the required open space may be covered by structures clearly ancillary to the recreation or common use area. Such structures may include tennis courts, pro shops, gazebos, clubhouses, swimming pools, and the like.

e. If any portion of the land within a PUD is at any time requested for public dedication, such land shall be deemed a portion of the required open space for such PUD, even following dedication.

f. Constructive wetlands above what is existing on site can be counted towards the required open space.

8. Dwellings. Dwelling units may include any variation of single and multi-family units so long as applicable local, state and federal health, safety and fire regulations are observed in location and construction of units and configuration of lots in the PUD. In particular, emergency vehicle access must be provided to each dwelling unit and the provisions of the State Uniform Building Code and associated regulations of the Department of Insurance and National Fire Protection Association shall be observed.

9. Lots. Lot sizes, shapes and locations shall be made with due regard to topographic conditions, contemplated use and surrounding area. Every lot shall front or abut a public road or paved privately-maintained subdivision street constructed in accordance with the standards contained in subsection (C) (9) (10) below. Where any lot or site includes wetlands or protected riparian areas, the wetland or protected riparian area may not be counted as part of the minimum square footage required of any lot for development. All wetlands must be delineated and approved by the appropriate governmental agency.

10. Streets and Roads.

a. Publicly maintained roads and streets shall be designed to DOT design standards and shall be paved in accordance with NCDOT or Camden County construction standards, as applicable.

b. In the event a PUD proposes private streets or roads, then at the time of submitting the PUD Master Plan for approval by the County with respect to any portion of the PUD that includes private streets or roads, then the applicant's submittal shall also include a proposed manual regarding construction and maintenance standards for private roads within that portion of the PUD (or in the PUD as a whole), which has been sealed by a North Carolina licensed engineer as sufficient, both as to design and construction standards, to accommodate the traffic anticipated to be generated by the PUD, subject to periodic maintenance and repair generally accepted in the industry. The maintenance responsibility for private streets and roads shall reside with the property owner or the applicable homeowners' association. The County reserves the right to require certain public roads where they are justified to improve county wide access.

c. Roads and streets shall be designed to create the minimum feasible amount of land coverage and the minimum feasible disturbance to the soils, given the anticipated traffic. Variations in right-of-way standards shall be permitted in order to keep grading and cutfill to a minimum while insuring that drainage and access for maintenance are provided.

d. One-way streets may be used in situations where the developer can show that public safety would be promoted.

e. Combinations of roadway, streets and driveway design, cluster parking areas and on-street parallel parking bays may be used to optimize the objectives of minimum soil disturbance, minimum impervious cover, traffic calming, excellence of design and aesthetic sensitivity.

f. The proposed street layout within a PUD shall be coordinated with the existing street system of the surrounding area.

g. Where, in the opinion of the Board of Commissioners, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property, and a temporary turn-around easement shall be provided. Landlocked parcels shall not be created.

h. Where a tract of land to be developed as a PUD adjoins an arterial street, the developer may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the arterial. A minimum 10-foot non-access buffer zone shall be required on the side of the lot abutting the arterial street.]

i. Street names shall be described in the PUD Master Plan and approved by the Emergency Management Services (EMS).

j. Maintenance of streets within a PUD (i.e., public or private) shall be described in the PUD Master Plan and approved by the Board of Commissioners.

k. Collector and minor streets shall be laid out so that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, and other similar places and uses which are located in the PUD.

11. Utilities and Drainage.

a. All development within a PUD shall be connected and serviced by a centralized sewer system and a centralized water system unless a different sewer or water system is approved by the Board of Commissioners.

b. Layouts and plans showing the public water service, central facilities for treatment of sewage as required by articles 151.170 thru 151.176 and storm drainage in accordance with article 151.400 shall be provided in the PUD Master Plan. All systems shall meet applicable federal, state and county requirements.

c. Stormwater retention and drainage facilities or structures shall use natural topography and natural vegetation where possible. Stormwater retention within a PUD shall be designed to retain a ten (10) year storm pre-development standard on site. All on-site stormwater facilities shall be properly maintained by the owner or property owners' association so that they do not become nuisances. Nuisance conditions shall include improper storage resulting in uncontrolled runoff and overflow, stagnant water with concomitant algae growth, insect breeding and odors. Compliance with State Stormwater Permit shall be the responsibility of the property owners and homeowners association.

d. Provisions for the collection and disposal of garbage and refuse shall be described on the PUD Master Plan.

e. No buildings or structures shall be built in wetlands unless permitted by the applicable federal or state agency and approved by the County.

12. Adequate Public Facilities. Every PUD Master Plan shall address the matters contained in Chapter 151, Article 151.346 and Chapter 153 of the Camden County Code. In particular, every PUD Master Plan shall contain an economic impact analysis of the proposed PUD and demonstrate the means by which the PUD will comply with Chapter 153 of the Camden County Code.

13. Phasing of Development and Schedule of Non-Residential Development. In the event the applicant desires to phase the development of a PUD, the PUD Master Plan shall address the phases of development and provide a proposed schedule for the development of the phases. In the event the PUD Master Plan contains non-residential development, the PUD Master Plan shall contain a schedule showing the relationship between the schedule of development of the residential and non-residential components.

14. Historic and Cultural Preservation. The applicant shall identify in its application for PUD Master Plan approval buildings or structures of cultural or historic significance which have been determined by County technical staff in consultation with state preservation officials and shall not destroy such buildings or structures without the prior approval of the Board of Commissioners.

(10) Required Elements and Content of PUD Master Plans.

(a) Every PUD Master Plan shall be prepared by a Land Planner, a Registered Land Surveyor or a Professional Engineer currently licensed and registered in the State of North Carolina by the state Board of Registration for Professional Engineers and Land Surveyors or by a landscape architect currently licensed and registered by the North Carolina Board of Landscape Architects. A PUD Master Plan shall contain the following elements and content:

1. Topography of the subject property, at contour intervals no greater than two (2) feet.
2. Dimensions of the subject property.
3. Minimum lot size.
4. Minimum lot width.
5. Minimum setbacks and yards.
6. Project edge width(s) in each land use area.
7. Location and use of all principal buildings, other than detached single-family, duplex or triplex dwellings, proposed within the PUD with general dimensions and general ground area thereof.
8. Streets, drives, traffic circulation and parking facilities for uses other than detached single-family, duplex or triplex dwellings (provided striping details need not be shown in any case).
9. Service areas, off-street loading facilities, service drives and dimensions thereon.
10. All pedestrian ways.
11. Location of Open Space.
12. A title, giving the names of the owners, the date, the scale of the plan, and the person or firm preparing the plan.
13. Proposed landscaping, with buffers between differing uses.
14. Criteria or guidelines regulating size and location of signs.
15. General location of proposed water system and fire fighting facilities such as hydrants or sprinkler connections.
16. General location of proposed wastewater systems.
17. General location and height of all proposed common fences or walls.
18. General location of proposed stormwater management facilities.

19. A general lighting plan, where applicable including range of lighting levels, spill over, and overhead cutoff.

20. A draft of the articles of incorporation and restrictive covenants for the property owners' association, or homeowners' association, if applicable.

21. A manual for construction and maintenance of private streets and roads, if private streets and roads are shown on the PUD Master Plan, in accordance with subparagraph (C)11.b. hereof.

22. A proposed phasing schedule for the PUD Master Plan, if phasing is desired by the applicant, at a minimum delineating the scheduling of residential versus non-residential uses.

(11) PUD Master Plan Approval Process. The process for review and approval of PUD Master Plans shall be the same as set forth in §§ 151.550 through 151.555 except as follows:

(a) PUD Master Plans shall be reviewed by the Planning Board, and the Planning Board within sixty (60) days from submission of a proposed PUD Master Plan to the Planning Board (absent deferral with the consent of the applicant) shall make its recommendations to the Board of Commissioners. In the event the Planning Board fails to make recommendations to the Board of Commissioners within sixty (60) days of the submission of a proposed PUD Master Plan to the Planning Board (absent deferral with the consent of the applicant), the proposed PUD Master Plan will be deemed to have been recommended for approval and transferred to the Board of Commissioners for review and consideration.

(b) Upon receipt of a proposed PUD Master Plan from the Planning Board, the Board of Commissioners shall conduct a public hearing within thirty (30) days after the recommendation of the Planning Board is, or is deemed to be, made and shall approve or reject the proposed PUD Master Plan either at the close of evidence in the public hearing or within 60 days of the close of public hearing. In connection with the conducting a public hearing and considering the evidence presented at the public hearing, the Board of Commissioners should consider the required Findings stated in subsection (C)(12) below. With regards to the required Findings, the Board of Commissioners may identify additional conditions or matters, which in the opinion of the Board of Commissioners are necessary for the proposed PUD Master Plan to satisfy the required findings and may add, with the agreement of the applicant, these conditions or matters to the proposed PUD Master Plan.

(c) If the Board of Commissioners rejects the proposed PUD Master Plan, it shall enter a written separate order stating its findings and the evidence supporting its findings at its next regularly scheduled meeting. The order shall be recorded in the minutes of the meeting. No appeal may be taken from the action of the Board of Commissioners rejecting a proposed PUD Master Plan except by filing an appeal with the Camden County Superior Court within thirty (30) days of the Board of Commissioners' meeting at which the Board enters its order.

(12) Principles; Findings. To approve a PUD Master Plan, the Board of Commissioners shall find, with respect to the proposed PUD Master Plan:

(a) The proposed PUD Master Plan is consistent and complies with the PUD Approval Ordinance, conceptual plan, and satisfies all of the required elements and content for a PUD Master Plan set forth in this section.

(b) The proposed PUD Master Plan complies with the Adequate Public Facilities provisions of the Camden County Code of Ordinances.

(c) That the PUD will not materially endanger the public health or safety, if developed according to the conditions approved by the Board of Commissioners;

(d) That the PUD will not substantially injure the value of adjoining or abutting properties, or that the approved uses are public necessities; and

(e) That the location and character of the PUD shown on the proposed Master Plan will be in harmony with its surroundings and supportive of the principles and goals of the Camden County Unified Development Chapter.

(D) Phasing and Modifications of Approved PUD Master Plans. Approved PUD Master Plans may be phased and modified as provided hereafter.

(1) Phased Development. PUDs may be developed in phases; however, when developed in phases, all infrastructure improvements necessary to provide access and public services to the portion(s) of the PUD which are ready for construction as well as stubs for future extension of access and utility services to the portions of the PUD which remain incomplete, must be completed or secured pursuant to the requirements of this paragraph. Should the owner desire to secure building permits prior to installation of all infrastructure improvements required by the foregoing sentence, the owner may deposit cash, an irrevocable letter of credit, surety bond or other instrument readily convertible to cash (the "Deposit") at face value, in an amount equal to one hundred twenty-five percent (125%) of completion costs (as certified by an engineer of record), either in escrow with a financial institution designated as an official depository of Camden County, or directly in trust with the Planning Department, at the applicant's option. However, no certificate of occupancy for structures will be issued until all infrastructure improvements necessary to provide access and public services is complete for that portion(s) of the PUD or the phase in which the structure is located. In the event the Deposit is (a) made with an official depository, the owner shall file with the Board of Commissioners an agreement between the financial institution and the owner guaranteeing the following, or (b) held by the Planning Department, it shall be held subject to the following:

(a) That the Deposit shall be held in trust until released by the Board of Commissioners and may not be used or pledged by the owner in any other manner during the term of the escrow; and,

(b) That in case of a failure on the part of the owner to complete the infrastructure improvements secured by the Deposit in accordance with the applicable permits (following notification from the County to the owner and lapse of a cure period provided in the notice which shall be adequate in duration for the owner to effect a cure, but in no event less than sixty (60) days), the financial institution shall, upon notification by the Board of Commissioners and submission by the Board to the financial institution of a North Carolina licensed engineer's estimate of the amount needed to complete the infrastructure improvements (copies of such notice and estimate also to be sent to the owners), immediately pay to Camden County the funds estimated to complete the infrastructure improvements up to the full amount of the Deposit, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County. If any portion of the Deposit is not spent in completing the improvements, the County shall retain ten percent (10%) of the cost of completing those improvements, as a fee to cover administrative costs associated with the Deposit and return the balance of the Deposit to the owner.

(2) Modification. Following approval of a PUD Master Plan by the Board of Commissioners, amendments to the PUD Master Plan shall be subject to the following procedures:

(a) The Planning Director's approval is required for the following modifications ("Minor Modifications"):

1. Changes that result in a decrease in density, either residential or non-residential.

2. Change in land use from multifamily to single-family or a change from any other use to open space/passive recreation.
3. Changes in major infrastructure features (e.g. roads, access, sewer, water, storm drainage) of the PUD that are clearly beneficial to the occupants of the PUD and surrounding properties.
4. Changes in the location of certain uses within the PUD, so long as the overall mix and intensity of uses within the PUD is unchanged.
5. Changes in the area of a parcel or parcels within the PUD by no more than ten percent (10%), so long as the area encompassed by the PUD is unchanged.
6. Changes in the density or intensity of a parcel or parcels within the PUD by no more than ten percent (10%), so long as the overall density and intensity of the PUD is unchanged.

In the event the Planning Department denies the Minor Modifications requested, the applicant shall have the right to request the Board of Commissioners to review and approve the proposed changes.

(b) The Board of Commissioners' approval is required for the following modifications ("Major Modifications"):

1. Changes in major infrastructure features.
2. Changes to the PUD that results in increased density, unless it constitutes a Minor Modification.
3. Changes in land use other than Minor Modifications.

#### **§ 151.495 PERMITS REQUIRED.**

(A) Subject to §§ 151.415 through 151.418, the use made of property may not be substantially changed, substantial clearing, grading, filling or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved or substantially altered, except in accordance with and pursuant to one of the following permits:

- (1) A zoning permit issued by the Administrator (letter Z in the Table of Permissible Uses);
- (2) A conditional use permit issued by the Board of Adjustment (letter C in the Table of Permissible Uses); or
- (3) A special use permit issued by the Board of Commissioners (letter S in the Table of Permissible Uses).

(4) A Conditional Use Permit for a PUD Master Plan issued by the Board of Commissioners.

(B) Zoning permits, special use permits, conditional use permits and sign permits are issued under this chapter only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this chapter if completed as proposed. The plans and applications as are finally approved are incorporated into any permit issued and, except as otherwise provided in this subchapter, all development shall occur strictly in accordance with the approved plans and applications.

(C) Physical improvements to land to be subdivided may not be commenced, except in accordance with a Special Use Permit or Conditional Use Permit for a PUD Master Plan issued by the Board of Commissioners for major subdivisions or after final plat approval by the Administrator for minor subdivisions.

#### **§ 151.497 WHO MAY SUBMIT PERMIT APPLICATIONS.**

(C) Application and review procedures pertaining to PUD Approval Ordinances and PUD Master Plans are specified in § 151.298. Sections 151.498 through 151.510 shall not apply to PUD Approval Ordinances.

#### **§ 151.513 ZONING VESTED RIGHT.**

(A) A zoning vested right shall be deemed established upon the valid approval, or conditional approval by the Board of Commissioners or the Board of Adjustment, as applicable, of a site specific development plan, following notice and public hearing.

(B) For purposes of these regulations, a site specific development plan shall constitute any one of the following approvals:

- (1) Conditional use permit granted by the Board of Adjustment;
- (2) Conditional Use Permit for a PUD Master Plan granted by the Board of Commissioner.
- (2 3) Special use permit granted by the Board of Commissioners, except for subdivisions;
- (3 4) For subdivisions requiring approval by the Board of Commissioners, a preliminary plat; and
- (4 5) Approval of a commercial site plan by the Board of Commissioners.

(C) A site specific development plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto. A zoning right that has been vested, as provided in Subsection (B) (1) and (B) (3)- (B) (4) of this subchapter, shall remain vested for a period of two years. A zoning right that has been vested, as provided in Subsection (B) (2) of this subchapter, shall remain vested for a period of five (5) years. This vesting shall not be extended by any amendments or modifications to a site specific development plan unless expressly provided by the approval authority at the time the amendment or modification is approved.

(D) The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type and intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation by the county, including, but not limited to building, fire, plumbing, electrical and mechanical codes. Otherwise, applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this subchapter.

(E) A zoning vested right is not a personal right, but shall be attached to and run with the applicable property. After

approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise the right while applicable.

(F) A zoning right that has been vested as provided in this subchapter shall terminate:

(1) At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been issued;

(2) With written consent of the affected landowner;

(3) Upon findings by the Board of Commissioners, by ordinance after notice and public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety and welfare if the project were to proceed as contemplated in the site specific development plan;

(4) Upon payment to the affected landowner of compensation for all costs, expenses and other losses incurred by the landowner, including, but not limited to all fees paid in consideration of financing and all architectural, planning, marketing, legal and other consultant's fees incurred after approval by the county, together with interest thereon at the legal rate until paid; (Compensation shall not include any diminution in the value of the property which is caused by the action.)

(5) Upon findings by the Board of Commissioners, by ordinance after notice and a hearing, that a landowner or his or her representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval authority of the site specific development plan; and

(6) Upon the enactment or promulgation of a state or federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the approval authority may modify the affected provisions, upon finding that the change in state or federal law has a fundamental effect on the plan, by ordinance after notice and hearing.

(G) Nothing in this section is intended or shall be deemed to create any vested right other than those established pursuant to G.S. § 153A-344.1 *and G.S. §160A-385-1*.

(H) In the event that G.S. § 153A-344.1 *and G.S. §160A-385-1* is repealed, this section shall be deemed repealed and the provisions hereof no longer effective.

(I) This section shall be effective upon adoption of this chapter and shall only apply to site specific development plans approved on or after that date.

Adopted by the Board of Commissioners for the County of Camden this 18th day of February, 2007.

\_\_\_\_\_  
Jeffrey B. Jennings, Chairman  
Camden County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Ava Gurganus  
Clerk to the Board

(SEAL)

**Old Business - Consideration of - Ordinance No. 2008-01-05 – Proposed Amendments to Chapter 151 (UDO) and Chapter 153 (APFO) of the Camden County Code of Ordinances**

Commissioner Melvin Jeralds made a motion to approve Ordinance No. 2008-01-05 with the grandparent/grandchild and grandchild/grandparent exception, provided that the property must be owned fee simple title by the grantor for a period of ten (10) consecutive years prior to the grant from grandparent to grandchild or grandchild to grandparent, unless the property has been inherited by testate or intestate except if the property was acquired by the grantor by testate or intestate succession in a shorter period than ten (10) years. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Chairman Jeffrey Jennings so ordered the Clerk to make sure Attorney Morrison has reviewed Ordinance No. 2008-01-05 before the final was presented for the Chairman's signature.

Approved Ordinance No. 2008-01-05 reads as follows:

**Ordinance No. 2008-01-05**

**An Ordinance  
Amending the Camden County  
Code of Ordinances**

**Camden County, North Carolina**

BE IT ORDAINED BY THE CAMDEN COUNTY BOARD OF COMMISSIONERS as follows:

**Article I: Purpose**

The purpose of this Ordinance is to amend the Article 151 and Article 153 of the Camden County Code of Ordinances of Camden County, North Carolina, which was originally adopted by the County Commissioners on December 15, 1997 and February 19, 2007 respectfully, and subsequently amended and as otherwise incorporated into the Camden County Code.

**Article II. Construction**

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. New language of proposed ordinance shall be shown in italics (*italics*) and underlined.

**Article III. Amend Chapter 151 as amended of the Camden County Code which shall read as follows:****CHAPTER 151: UNIFIED DEVELOPMENT****§ 151.014 EVERY LOT MUST ABUT A STREET OR ROAD.**

No building or structure shall be established on a lot recorded in the Camden County Registry after June 3, 2002 which does not abut a state-maintained street or road, or private street, which has been built and is maintained to state road standards, as permitted in these regulations. This provision shall not apply to structures exempt from subdivision and building regulations under the bona fide farm exemption and the gift by a single property owner of a single lot to each of the property owner's children, ~~or~~ parents, *grandparents or grandchildren*.

**§ 151.017 IMPROVEMENT PERMIT REQUIRED.**

(A) Prior to the issuance of zoning, floodplain development, or building permits, verification must be submitted by the applicant that the lot will be served by either a state-approved package plant or public sewer facility or a waste treatment system complying with the requirements of the District Health Department. This requirement shall not apply to camper lots in existence on the effective date of this chapter, where the electrical power is interrupted on a seasonal basis and an electrical permit is required prior to resumption of power. Evidence of the securing of an improvements permit shall not constitute evidence of compliance with requirements of any district or zone in this chapter or the overlay zones referred to herein.

(B) Prior to the issuance of zoning, floodplain development, or building permits on all lots or parcels created on or after June 3, 2002, the applicant must adequately demonstrate to the satisfaction of the Administrator that the lot will be served by either a road already maintained in the state road system or that the right-of-way serving the property has been built to state road standards and will be maintained to the state road standards. This provision shall not apply to structures exempt from zoning and building regulations under the bona fide farm exemption and the gift by a single property owner of a single lot to each of the property owner's children, ~~or~~ parents, *grandparents or grandchildren*.

**§ 151.230 LANDS SUBJECT TO SUBDIVISION REGULATIONS WITHIN THIS CHAPTER.**

(e) The gift by a property owner of a single lot to each of the property owner's children, ~~or~~ parents, *grandparents or grandchildren* provided that:

1. Lots created under this section shall be titled in the name of the immediate family member for whom the subdivision is made, for a period of no less than five years or until their 18th birthday (whichever is greater), unless lots are subject to an involuntary transfer, such as by foreclosure, death, judicial sale, condemnation or bankruptcy.

2. *Lots created under the grandparents or grandchildren exemption grantor shall have owned the property for previous 10 years unless inherited through testate or intestate succession.*

~~2~~ 3. If the original lot or parcel does not front on a publicly dedicated, recorded and maintained street, or an easement recorded prior to January 1, 2006, it shall have a reasonable right-of-way, not less than 45 feet in width, providing ingress and egress to a dedicated, recorded public street.

~~3~~ 4. The plat shall be signed by all persons having any real property interest in any land included within the subdivision, including required rights-of-way.

**§ 151.600 DEFINITIONS OF BASIC TERMS.**

**SUBDIVISION.** The division of a tract of land into two or more lots, building sites or other divisions for the purpose of sale or building development, whether immediate or future, and including all

divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations of this chapter:

(1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in this chapter;

(2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for widening or opening streets;

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in this chapter; or

(5) At this time, the BOC has specifically found that the BOC has been summoned by the Camden County tax-payers to retain the rural atmosphere. Many landowners in Camden County operate businesses and it has proven difficult for their children to come home to keep those businesses running due to the high cost of living in Camden County. As such, the BOC feels that due to the aid an exemption for parent to child and grandparent to grandchild transfers would provide to the economic structure of Camden County, coupled with the fact that the occurrence of these transfers are infrequent. Therefore, an exemption is provided for the gift by a property owner of a single lot to each of the property owner's children, ~~or parents, grandparents or grandchildren where the lot fronts upon a state maintained road, and which~~ is large enough to meet all applicable state and local health codes and all other local ordinances.

#### **§ 153.04 CERTIFICATE OF ADEQUATE PUBLIC SCHOOL FACILITIES AND EXEMPT FACILITIES**

(D) Exceptions. It is the policy of the county that only such residential development as will reasonably require school facilities will be subject to the terms of this chapter. Thus, certain residential uses which have been previously approved or which have been deemed by the BOC to be of minimal impact on school facilities shall be exempt from the requirements of this chapter. This chapter does not apply to any use, development, project, structure, fence, sign or activity that does not create an impact on public school facilities. At this time, the BOC has specifically found that the BOC has been summoned by the Camden County tax-payers to retain the rural atmosphere. Many landowners in Camden County operate businesses and it has proven difficult for their children to come home to keep those businesses running due to the high cost of living in Camden County. As such, the BOC feels that due to the aid an exemption for parent to child and grandparent to grandchild transfers would provide to the economic structure of Camden County, coupled with the fact that the occurrence of these transfers are infrequent, resulting in a minimal impact on the school system, this exemption achieves a compelling governmental interest. The following is a list of exemptions the BOC has determined to be of minimal impact on school facilities:

(D) (4) The gift by a property owner of a single lot to each of the property owner's children, ~~or~~ parents, grandparents or grandchildren provided that:

(a) Lots created under this section shall be titled in the name of the ~~immediate~~ family member for whom the subdivision is made, for a period of no less than five years or until their 18th birthday (whichever is greater), unless lots are subject to an involuntary transfer, such as by foreclosure, death, judicial sale, condemnation or bankruptcy.

(b) Lots created under the grandparents or grandchildren exemption grantor shall have owned the property for previous 10 years unless inherited through testate or intestate succession.

Adopted by the Board of Commissioners for the County of Camden this 18th day of February, 2008.

(SEAL)

\_\_\_\_\_  
Jeffrey B. Jennings, Chairman  
Camden County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Ava Gurganus

Clerk to the Board

**Old Business - Parks & Rec – Installation of Permanent Fences – Reconfiguration of Existing Baseball & Softball Fields at Camden Community Park**

Parks & Rec Director Tim White stated that the expansion project at Camden Community Park has adversely affected four (4) of the existing baseball and softball fields. Two (2) of the fields are presently not usable for games. The four (4) fields can be reconfigured into three (3) safer and larger fields. The county will need to take down the fences and re-erect fencing in the three (3) new locations at an estimated cost of \$5,600.00. Babe Ruth has agreed to donate labor and pay for all other materials necessary to complete the reconfiguration of the playing fields.

Commissioner Melvin Jeralds asked if the existing fence belongs to the County or the Babe Ruth league, to which Tim White replied that Babe Ruth will present in writing that any improvements Babe Ruth makes to the Camden County facilities will become the property of Camden County, so the fences once installed became the property of Camden County.

Commissioner Mike Andrews made a motion to accept the Parks & Rec Director Tim White recommendation for reconfiguration of the fields. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**New Business - Tax Refund Request – Sun Trust Mortgage**

Commissioner Sandy Duckwall made a motion to approve the tax refund request in the amount of \$2,271.09 as submitted by the Tax Administrator. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**New Business - Board Appointments – Albemarle Commission**

Commissioner Melvin Jeralds made a motion to nominate Ronald Price, Shiloh Township, as the private sector representative for Camden County on the Albemarle Commission Board to serve a two (2) year term beginning April 1, 2008 to May 31, 2010. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Commissioner Mike Andrews made a motion to appoint Ronald Price as the private sector representative to serve a two (2) year term beginning April 1, 2008 to May 31, 2010 and re-appoint Commissioner Melvin Jeralds as the elected official representative for Camden County on the Albemarle Commission Board to serve a two (2) year term beginning January 1, 2008 to December 31, 2010. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**New Business - Confirmation of Boards Served On By Commissioners**

Commissioner Melvin Jeralds made a motion to confirm for the record the Boards Served on by Commissioners. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Commissioner	Name of Board
Jeffrey B. Jennings	Albemarle District Jail Albemarle Hospital Board of Trustees Camden Education Foundation Solid Waste Board



Melvin J. Jeralds	Albemarle Commission Governing Board Albemarle Health Board Albemarle RPO - RTTAC Juvenile Crime Prevention Council (JCPC) Pasquotank - Camden EMS
Philip Faison	Chamber of Commerce Albemarle Mental Health Northeastern Workforce Investment Consortium Pasquotank Camden Library Board Public Safety Organization South Mills Fire Commission - Chairman
Mike Andrews	Dismal Swamp Park Committee Pasquotank - Camden EMS Economic Improvement Council (EIC)
Sandy Duckwall	Albemarle Economic Development (AEDC) 9-1-1 Department of Social Services Wesley Hospitality House Work First Planning Committee

**New Business - Confirmation of Budget & Finance Committee Members**

The present Budget and Finance Committee consists of Commissioners Melvin Jeralds and Philip Faison, County Manager Randell Woodruff and Finance Officer Clarann Mansfield.

Commissioner Sandy Duckwall made a motion to confirm the Budget and Finance Committee Members. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**New Business - Application for 2008 Community Waste Reduction and Recycling Grant Round**

Commissioner Sandy Duckwall made a motion to approve the 2008 Community Waste Reduction & Recycling Grant Round grant application. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**New Business - Memorandum of Understanding (MOU) between Camden County and Camden County Board of Education Regarding Emergency Alternative Court Facility**

Hearing no objections, Chairman Jeffrey Jennings so ordered this matter be placed on the March 17, 2008 agenda in order for the Board of Education to review the MOU.

**Budget Amendment 2007-08-BA013**

Hearing no objections, Chairman Jeffrey Jennings removed budget amendment 2007-08-BA013 until the video taping donation money is received.

**Reports from Commissioners**

Chairman Jeffrey Jennings reported that the jail project will be done in phases regarding correcting the problems and then once those phases are complete, new construction will begin.

**County Manager's Report**

County Manager Randell Woodruff reported on the following:

- Update on McPherson Road fire
- EMS agreement

### **Closed Session**

Commissioner Melvin Jeralds made a motion to go into closed session pursuant to G.S. 143-318.11(a)(3) for the purpose of consultation with attorney and pursuant to G.S. 143-318.11(a)(6) for the purpose of discussing personnel. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Commissioners entered closed session at 9:20 p.m.

Commissioner Sandy Duckwall made a motion to come out of closed session and back into regular session. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Commissioners re-entered regular session at 9:50 p.m.

### **Adjournment**

Commissioner Melvin Jeralds made a motion to adjourn the meeting. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The meeting adjourned at 9:51 p.m.

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Jeffrey B. Jennings, Chairman  
Camden County Board of Commissioners

ATTEST:

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Ava Gurganus  
Clerk to the Board